HINDU ADMINISTRATIVE INSTITUTIONS

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EDITED WITH INTRODUCTION

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CONTENTS

ABBREVIATIONS

	=	*Aitareya Brāhmaṇa*
	=	*Arthaśāstra of Kauṭalya*
	=	*Atharva Veda Saṁhita*
Ait. Br. ᶦn.	=	*Altindische Leben*
Ar. Śās. ⁄a	=	*Bārhaspatya sūtras*
A.V.	=	*Cambridge History of Inaia*
Alt. lebeⁱrient.		
Br. sūtrⁱᵉˢ.	=	*Calcutta Oriental Series*
..H.I. ₁ᵈ.	=	*Epigraphia Indica*
Cal. O Rep.	=	*Epigraphist Report*
Serⁱ.I.	=	*Fleet Gupta Inscriptions*
p. I₀.S.	=	*Harvard Oriental Series*
p. ᴴ.Q.	=	*Indian Historical Quarterly*
G₁. Ant.	=	*Indian Antiquary*
I.C.A.O.S.	=	*Journal of the American Oriental Society*
J.B.O.R.S.	=	*Journal of the Bihar and Orissa Research Society*
J.R.A.S.	=	*Journal of the Royal Asiatic Society*
Kāma.	=	*Kāmandakanīti*
auś. Br.	=	*Kauśitaki Brāhmaṇa*
Mbh.	=	*Mahābhārata*
.T.S.	=	*Pāli Text Society*
Pañch. Br.	=	*Pañchaviṁśa Brāhmaṇa*
R.N.R.	=	*Rājanītiratnakara*
aghu.	=	*Raghuvaṁśa*
..V.	=	*Rig Veda Saṁhita*
B.E.	=	*Sacred Books of the East, Oxford*
.H.	=	*Sacred Books of the Hindus, Allahabad*
.I.	=	*South Indian Inscriptions*
T.R.	=	*Śivatattva Ratnākara*
kra.	=	*Śukranītisara*
ait. Br.	=	*Taittariya Brāhmaṇa*
V.I.	=	*Vedic Index*
Yāj.	=	*Yajñavalkyasmṛti*
Z.D.M.G.	=	*Zeitschrift der Deutschen Morganlandischen Gesellschaft*

INTRODUCTION

THE pages following attempt to present a picture of the administrative institutions of the Hindus, based primarily on the political portions of the Dharmaśāstras, and Arthaśāstra treatises. It is the work of V. R. Ramachandra Dikshitar, M.A., as a research student at the University during the years 1923–27. He attempts by a frankly synthetic method, to collect together such information as could be got on the political ideas and the principles underlying the institutions of the Hindus for carrying on administration. A subject such as this can hardly be regarded as fully worked up until the ideals of government obtaining at the time when they happen to be set down in writing, whether as general principles in the Dharmaśāstras or specific instructions in the Arathaśāstras, are clearly and fully exhibited in the first instance. When this is done, the result has to be ·compared and checked by such information as could be gleaned from even didactic works such as the portions of the *Mahābhārata* bearing upon Rāja Dharma for instance, and other chapters scattered through the work. This has again to be compared with such details as could be got from works of a similar character. These two items may be regarded as constituting the literary side of the work.

How far these ideas of literary men actually found vogue has next to be examined, and it can be done only by a study of the inscriptions ranging from the time of Asoka to quite modern times. The details that can be got in this body of records may not give us a

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general conspectus of Hindu political institutions as a whole. But such hints as we get may enable us, with the aid of the literary sources, to reconstruct to a great extent the institutions as they existed. This would prove a valuable source of confirmation of what we may be really able to reconstruct from the literary sources alone. This can again be checked and verified wherever possible, from accounts that we get of the institutions that prevailed at any particular time from foreigners that left accounts of them either by design, or when they made casual remarks regarding them, in the course of their writing on other themes. It is when all this work is done exhaustively that we can at all hope to obtain a picture, complete in all its details, of the administrative institutions of India under the Hindus.

What follows is an attempt at reconstructing Hindu administrative institutions primarily from the first of these four items, letting in information wherever available from the other sources to fill in where necessary and complete the account of the institutions as given in the Kauṭilīya Text Book. This itself is adequate work for the time that the research student had for doing this. It may be that he is enabled to complete the work in the future; but, as it is, the work is an attempt at doing this and no more. The discovery of the *Arthaśāstra* of Kauṭilya, now called Kauṭalya, more popularly called Chāṇakya, may be regarded, in some respects at any rate, epoch making. The publication in 1909 of the text by Dr. R. Shama Sastri and a partial translation in the pages of the *Indian Antiquary* immediately set scholars at work ; and since then many books have been written on the subject and one may fairly expect many more perhaps before the subject is exhausted. All of them have the general object of expounding the *Arthaśāstra*

in an attempt to present a complete picture of the administrative institutions of Hindu India. Each one of these works has its own particular merit, and perhaps even its own particular contribution. But what may perhaps be claimed for the following pages is an attempt to present a faithful picture of the administrative institutions as depicted in the *Arthaśāstra* from a conservative point of view, without attempting to expound these with a view to establishing any particular thesis as to the character of the government of the time. A work of this kind naturally is not precisely chronological in its character. Illustrations and illuminating comments are drawn without detriment from works of different times and perhaps even of places at great distances. The idea merely is to exhibit what the particular institutions were by means of which the functions of government were actually carried out. Unless we gain a correct idea of the actual character of the institutions as they prevailed from time to time as described in different treatises, or sources that may not really be treatises, it will be difficult to trace anything like a development of these institutions. Where that is not possible, the next best effort ought to be to get as complete a picture of these institutions as we can, and that is what is attempted to be done here, and, to that extent, it may lay itself open to the objection that it is not rigorously chronological ; but in our present state of knowledge of the subject, that is as yet hardly possible.

The question would arise from this limitation whether the *Arthaśāstra* of Kauṭilya is a unified work of a single author or of a single age, and whether it actually portrays the institutions of the time. The matter has been discussed with energy, very nearly a score of years now, and anything like an unchallenged conclusion can hardly

be said to have been reached so far. It seems, however, to be generally accepted that it is the work either of an individual Kauṭilya, or of a school that adopted his teaching. The age of the work has again been discussed and acute differences of opinion exist as yet. There are those that would regard it as the work of the individual minister of the emperor Chandragupta Maurya; there are others equally earnest for enforcing the conclusion that it is a work compiled somewhere about A.D. 300, when somebody felt the need for incorporating the Kauṭilīyan traditions in a text-book. As far as can be judged from the discussion on the work and on a study of the work itself, the conclusion of Prof. Meyer seems nearer correct, and, for a conservative position, the following sentences of Monahan seem sound : 'There is, however, sufficient evidence of a persistent tradition in India ascribing to Chandragupta's minister the authorship of the *Arthaśāstra* in question and the very existence of such a tradition seems to support a presumption that, whether the whole treatise or any part of it be the work of Chāṇakya or not, it deals with social conditions and institutions which prevailed in the Maurya Period, and especially in the region nearest to the Mauryan dominions, namely, Bihar and Bengal. This does not mean that we should expect to find in the administration depicted, agreement in all details with that which may have been observed by Megasthenes at Pāṭaliputra, when the Magadha State had grown into an Empire.'

We may perhaps go a little further. There is nothing *prima facie* in its having been the actual teaching of an individual such as the minister of Chandragupta had been. One objection that we have found stated in regard to this particular position is that the work seems to be the work of a pandit, and not of a practical statesman

such as the chancellor of the Mauryan Empire must have been. This reminds us of the impatience that Bismark often exhibited against the professorial members of the Reichstag soon after the formation of the German Empire that they were ponderous doctrinaires whose discussions or advice could hardly avail much for carrying on practical administration. Whatever justification Bismark may have had, it is a patent fact that, under the Hindu administration in India from the days of Kauṭilya to Govinda Dikshita who lived in the seventeenth century, nobody could ordinarily be a minister who was not a pandit. That Kauṭilya was a pandit would certainly be no objection to his having been a minister, carrying on the actual administration of the state. We may therefore take it with Prof. Meyer that Kauṭilya, whether he be Kauṭilya or Kauṭalya, was the minister of that name who assisted Chandragupta in the establishment of, and in laying down the lines of the administration for, the Mauryah Empire.

This leads us to the point whether the administration that is depicted in the *Arthaśāstra* is an administration fit for a large empire such as that of Chandragupta came to be, or whether it is suitable only for a small kingdom surrounded by equally small kingdoms. It is hard to see where the distinction lay. Empires in India under the Hindus attempted to be no more than kingdoms, of a small compass comparatively, which gathered together under the aegis of the leading state, which went by the name of imperial state for the time being, other kingdoms constituting merely an expanding *maṇḍala* in political dependence. The administration that had to be carried on by the imperial state was a comparatively simple one, as by a well-established principle of devolution, most of the actual administration was carried

on by local bodies for comparatively small states. That remained the bedrock of civil administration and the administration of states, kingdoms and empires, was built upon this bedrock of ordered government. If that is granted, there is no difficulty in understanding that what seems to be laid down for a congeries of smaller states cannot be far different from what was necessary for a really imperial state. Examined in this light, it will be found that even the *Arthaśāstra* polity provides the machinery for carrying on the imperial administration as well as the administration of a comparatively small state. The fact that Kauṭilya lays down the means by which a state, placed in the middle of a number of states round about it of equal strength, can make conquests of its neighbours and become an imperial state is just what gives the indication that Chāṇakya helped to evolve from out of a powerful single state an empire, far flung and reaching to the frontiers which British statesmen, even of the twentieth century, have sighed for in vain, at least on one side of India.

The Central administration, as it is described, is administration of a centralized character which provides for the carrying on of only such part of the administration as falls to the lot of the imperial head-quarters. The actual details of the administration given in the work cannot be understood unless we postulate an efficient local administration for the rural localities as a whole, such as we are able to claim for periods much later than Kauṭilya in certain parts, but not necessarily one part of the whole of India. Local administration has to be studied in detail in the different localities of India, and it seems to be that they were of the same character in localities for which we have more information and in localities for which we seem to have almost

none. If that is granted, what is left to be administered by governments of petty kingdoms and broader ones did not differ much, and if, within this, a division is made, between the imperial head-quarters and the separate state head-quarters or provincial head-quarters, it cannot be difficult to understand that what the Kauṭilīyan administration in principle, as well as in the practical machinery, provided, would be adequate even for the requirements of the Mauryan Empire at its best.

That this is not altogether drawn from the imagination will become clear if a careful comparison be instituted between the Kauṭilīyan polity and the polity lying behind the inscriptions and edicts of Asoka. Such details as we get in the edicts of Asoka seem to go only to confirm that the polity behind the edicts is the Kauṭilīyan polity. There seems therefore no very particular incompatibility between the administration of a kingdom, even a comparatively small kingdom, and the Mauryan Empire so far as a treatise on political institutions can make out. What therefore the *Artha-śāstra* lays down as the necessary machinery of administration of the head-quarters of the kingdom, when understood properly, would prove to be adequate to the needs of the empire. Such details as we get of a real and reliable character from Megasthenes and writers of that kind would only go to confirm this position if too much is not made of differences and omissions that we may note in the account of Megasthenes as compared with that of the *Arthaśāstra*. ' The government contemplated by the *Kauṭilīya Arthaśāstra* appears to be that of a relatively small state, such as Magadha may have been in the early period of Chandragupta's reign, before his dominions had been much extended by conquests, and,

although the Mauryan Empire, when fully developed through the policy of systematic aggression inculcated in this treatise, was of the decentralized Indian type, each of its outlying provinces enjoying a measure of independence, yet it is natural to suppose that, by the time Pāṭaliputra had become the centre of a great federal state, a somewhat more elaborate form of administration had developed in the home provinces, and especially in the capital, than had sufficed for the original kingdom of Magadha. We may expect, then, to find in this *Arthaśāstra*, not exactly the administration described by Megasthenes, but institutions which might have grown in the course of a quarter of a century or thereabout into that described by him.'

This theory would be reasonable enough if we can be sure that there is such a difference in kind or character between the description that we get from Megasthenes for the administration of the city of Pāṭaliputra and what is laid down in the *Arthaśāstra* of Kauṭilya. Judged by what we know of the administration of towns in later times, there seems to be nothing incompatible between the description given by Megasthenes and the institutions as described in the *Arthaśāstra*. Megasthenes probably attempted to describe to his countrymen, at least to the readers of Greek, the institutions as found in the Mauryan Empire in a way that they might understand. This necessity has naturally introduced modifications in the description which can hardly be regarded as an actual rendering in parts of the institutions that existed in Mauryan India. If we can make allowance for this, the differences shown do not amount to very much. We may therefore take it roughly that the institutions as described in the *Arthaśāstra* are more or less the Mauryan institutions as they obtained even in the imperial days

of Maurya rule. To quote again Monahan's *Early History of Bengal* :

[1] Megasthenes's account is obviously superficial and inaccurate, and, when all allowances have been made, there remain discrepancies which it is difficult to explain. But, on the whole, it seems that this theory bears the test indicated above, and that, for the purposes of history, the best means of arriving at an idea of the social conditions in Bihar and Bengal during the Maurya period will be by analysis of the *Kauṭilīya Arthaśāstra* and its comparison with the description attributed to Megasthenes and with the Asoka Edicts. There is evidence of the survival in those countries, in various forms and with diverse changes, through later centuries, of political institutions and the ories of the Maurya age, and to the *Arthaśāstra* we may look for elucidation of expressions occurring in records of the Gupta period in the fourth and fifth centuries of our era, of the time of Harṣa's Empire in the seventh, and of the Pāla and Sena Kings.'

Some hints in the records of the Andhras of the Dekkan seem to tell the same tale. The account that follows attempts to reconstruct ancient Hindu administrative institutions on the lines sketched out above.

An account of the administrative machinery employed for carrying on the administration ought necessarily to consider first what exactly the ideas were that underlay this administrative machinery. It is obvious that a society must exist before it feels the necessity for an organization such as a state or government is. It is generally taken for granted that when society emerges from out of the stage of the mere group organizations of a primitive character and provides itself with a more general organization for carrying on the functions usually regarded as political or governmental, the idea of the state emerges.

In regard to the emergence of the state, the remarks

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of a recent writer seem apt. ' The foregoing sketch may help us to understand the slow beginnings of the state and to justify our contention that the state is a structure not coeval and coextensive with society, but built within it, as a determined order for the attainment of specific ends. The earliest forms of state are extremely narrow in their aims and powers. They scarcely touch the inner purposes of the community which are in the far safer wardship of custom.'[1] While the Hindu notions of the state seem to agree with the above, the state according to them, does not emerge till after a considerable degree of travail in the life of society as a whole, but comes into existence almost in the same manner as elsewhere. It is therefore necessary first of all to determine what exactly was the order that was introduced, how, and for what practical ends. As far as the sources for Hindu Political Institutions go, they seem to agree in this, that society has had a comparatively long period of existence and made an attempt to pursue particular ends of corporate life, and at a certain stage of the existence of society in this manner, the discovery was made that the natural tendency of group life showed itself in the practical assertion of the principle, might is right. Finding that such an unstable position did not conduce to the well-being of society as a whole, society made an effort to devise some kind of machinery to preserve order, and permit of progress of the separate groups, constituting society, prosecuting each its own particular ends. Thus emerged the state of the Hindus, according to such evidence as we have for the origin of the state. •

What was it that people living in a society wished to pursue, in what manner did they actually suffer in the

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[1] MacIver: *The Modern State*, p. 40.

pursuit of their ends, and what exactly was the form of
the institution that they provided themselves for prevent-
ing this? To answer these questions, it would be
necessary to know what was the ultimate ideal of society
among the Hindus and what they regarded as the ulti-
mate aim of that society. Societies existed with a view
to subserve the ends that men in society sought when
they reached a certain degree of culture, namely, their
well-being here, and similar well-being hereafter when
they came to recognize a hereafter. ◦As far as our sources
containing political discussions go, we do not reach to a
state of Hindu society when they had not yet developed
a state of hereafter, towards which they had to shape
their life, and that hereafter was attainable by the several
groups, perhaps in several ways, for which orderly
pursuit of their fixed aims, they required the protection
of a settled administration. They therefore postulated₅
their Dharma; and the pursuit of Dharma is necessarily ῂ
life in this world with a view to the attainment of the
ultimate aim of all Dharma, the life in the next. Hence
they divided the main objects of existence of man as four,
Dharma, Artha, Kāma and Moksha; and in treating of
politics and economics, they naturally took into consi-
deration the first three alone, as having to do with life
here, leaving the fourth, the life hereafter, to follow as a
matter of course according to the character of the life
here. Hence came in the category, Trivarga, as opposed
to the four Purushārthas. Trivarga is the first three
items enumerated above of the four. Moksha is the
ultimate Purushārtha and therefore deos not directly
come within the purview of any Government.

Life in society, we have therefore to presume, actually
was for the purpose of prosecuting Dharma ultimately,
in its four divisions. Life in these four divisions,

'the four aims of man' in practical life, reduced itself
to the prosecution of the first three of these four,
namely, Dharma, Artha and Kāma.   Dharma here may
be taken to be conduct proper to one's station and
circumstances.   Artha is the honourable and legitimate
earning of the means by which to prosecute the general
Dharma of one's duty in life, and Kāma may be
interpreted generally as the legitimate enjoyment of
that which is really worth enjoying in life.   When
these are done in the proper place and in the prescribed
form, life in society would receive its fulfilment in
the prosecution of Dharma as a whole, by leading to the
real and happy life hereafter, whatever be the ultimate
shape of this life.   The idea of Trivarga and its position
as the guiding factor of social life seems at once to imply
that, whatever kind of social life was contemplated and
whatever the organizations that were projected for the
carrying on of these were, life in society contemplated a
society already composed of various and perhaps even
varying groups.   Where various groups are congregated
to prosecute common life in society, the first essential
seems to be the deterring of the stronger groups from
doing anything detrimental to the pursuit of life by the
weaker or less fortunate groups in their neighbourhood.
This can be done only by a supervisory authority which
could see to it that each group pursued its life with a
freedom which guaranteed a similar life of freedom to
other groups to pursue their lives.   The organization
called for therefore is primarily an organization whose
principal function was the doing of justice by administer-
ing punishment upon the erring, and that is what the
Hindus meant by the term Daṇḍanīti, a life of discipline
enforced by punishment. •

The organization called into existence had therefore

primarily to discharge the duty of punishing those that molested others and prevented, or in any manner hindered, the pursuit of the life of duty according to their own notions. With the emergence of the authority, emerges a governmental organization from society, and with the emergence of this organization emerges the state as distinct from society.

According to our sources, the state seems to have originated in one of two ways, either by an appeal to a superior being who provided the actual man for shouldering the responsibility of Daṇḍanīti and administering the state ; or, more secularly, by an agreement between the most powerful individual or group in society on the one side, and of the rest on the other. These two are the characteristically Brahmanical, and somewhat more secular and Buddhistic, account of the origin of the state as we have it in Indian sources. Whichever way the state originated, the state had the same function to discharge, namely, the prevention of social life lapsing into what they called *mātsyanyāya*, the greater or the more powerful destroying the lesser or the weaker. In both cases alike, the person responsible for Daṇḍanīti had to do his responsible work with unflinching impartiality, and had to be put upon a footing of independence to do that. The individual, or the group or organization, therefore, was provided with whatever may have been requisite for the efficient discharge of this onerous duty. That feature again is common to the two sources, namely, the sacerdotal as well as the lay, and was so clearly understood that, in later times, legal minded people could set about discussing whether the monarch for the time being, who, from another point of view, was regarded as invested with a very considerable amount of divinity, was more than a paid servant of the state discharging his duties and

receiving his emoluments in return therefor. In the net result, therefore, society, as conceived in India, was contituted of groups of varying capacities and the object of the state was to order social life in such a fashion that each group may prosecute its own particular life according to its own special ideals unhampered in the pursuit thereof by a similar pursuit of life's ideals by other groups stronger and weaker alike. Naturally, therefore, the actual religious ideas relating to the other life underlying such a social organization could well be left to the separate groups, and the common organization may content itself with merely seeing to it that each group pursued its life according to its lights.

Jātijānapadān dharmān Śrēṇi dharmāṁscha dharmavit
Samīkshya kuladharmāṁscha svadharmaṁ pratipālayēt.

Manu. viii. 41.

Śrēṇi naigama pāshaṇḍi gaṇānāmapiyayam vidhiḥ
Bhēdanchaishāṁ nṛpo rakshēt pūrva vṛttimcha pālayēt.

Yagñ. ii. 195.

The kind of organization required to carry on an administration such as is projected above, ought to be one of absolute impartiality, and above all suspicion in that particular. It is with a view to this that the original compact is made to provide, and place on an immutable basis, the emoluments of the sovereign ruler, whose function it was to assure the impartial administration of Daṇḍanīti. The question would naturally arise as to the guarantee that the person thus entrusted with the administration, assured of ample provision for himself, could give for the carrying on of the administration in the public interest and not degenerate into one who conducted it in his own individual interest. This was assured to Hindu society in various ways. The administration and the administrative machinery was not

entrusted with the legislative or law-making functions. To begin with, law was synonymous with custom apparently. Even when it became necessary to enact law, the enactment usually took on the form of the standard treatises of famous law-givers. These were in the beginning customary laws, as understood in particular schools of teachers, incorporating in it custom that was considered valid and approved by the worthy. As time changed and law itself changed sufficiently, the change was brought about by a new redaction undertaken, it may be, by a very prominent representative teacher of the school, or by a school as a whole receiving the approval of the learned. In still later stages of development, when the so-called Sūtra text-books or Śāstra text-books got to be fixed, commentators took on the role of incorporating in the body of laws such changes as had come in, by their commentaries. In other words, as varying practices grew and approved themselves to the learned and worthy members of the society whom it affected, the changed state of things became the law thenceforward. Laws being therefore given by Āchāryas and approved of the learned, were beyond the sphere of the administration, whatever its character.

Therefore the king and his agents who carried on the government were as much subject to the law as the subjects themselves. The king could not change the law in his own favour except to the extent that an administrator of the law could introduce changes in administering law. This absence of legislative power in the administration takes away one important influence that had a tendency to make the ruler degenerate into an autocrat. Next, the ruler was placed in a way above the life of society and therefore out of the struggles of self-interest

for appropriating that which is worthy of appropriation. Being assured of fair means and not being thrown into the current of ordinary life, the administrative head could hold the balance even as between the various groups composing society under his rule. •Thirdly, he was constantly reminded that the welfare of society over which he was placed, is his own welfare and unhappiness of those under his care was the surest way of ensuring his unhappiness here and eternal suffering hereafter, popular ill-will in the world here below and the reward of playing false with a trust in the life to come. Law-giver after law-giver went on emphasizing this and placing it prominently before him. The term Raja, by which the ruler was generally known, was interpreted as one whose function was to please the people, ' Rāja prakriti ranjanāt', so that it became almost a habit with him to feel, in the language of Queen Victoria.—' In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward.' The same idea occurs in such distinct works as the *Vishnu Samhita* and the *Arthaśāstra* of Kauṭilya. •

Prajā sukhē sukho rājā taddulkhē yascha dulkhitaḥ ".
Sa Kīrttiyuktō lokēsmin prētya svargē mahīyatē.

Vishnu iii. 70.

Prajā sukhē sukham rājñah prajānāṁcha hitē hitam
Nātmapriyam hitam rajñah prajānāṁtu priyam hitam.

Kauṭ. Artha S. I. 19.

Raja Dharma, as the proper discharge of the functions of the king, came to be regarded as of such vital import-ance to society that failure to carry that out properly involved nothing less than the destruction of society as a whole—destruction of society brought on by the remissness of the person or persons whose function it actually was to protect society from another kind of

destruction which was considered the natural concomitant of social life without this essential administrative machinery.•

> Majjēt trayī Daṇḍanitau hatāyām
> Sarvē dharmāḥ prakshayēyur viruddhāḥ
> Sarvē dharmāschāśsramaṇām hatāsyuḥ
> Kshātrē nashṭē Rāja dharmē purāṇē.
>
> *M. Bh. Śānti, lxii. 28.*

> Ā payan kuṅṛum arutoḷilōr nūl maṛappar
> Kāvalan kāvānenin.
>
> *Kuṛaḷ 560.*

'COTTAGE'
LIMBDI GARDENS
    MADRAS   S. KRISHNASWAMI AIYANGAR.
October 8, 1929.

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CHAPTER I

Sec. i. THE CONCEPT OF DAṆḌA NĪTI

AN endeavour is made here to trace the evolution and inter-relation of the state and society in ancient India as a preliminary to the study of administrative and political institutions which distinctly figure in ancient Indian literature. What is *daṇḍa nīti*? (It is the science and machinery of government. Hindu texts dealing with the science and machinery of government are many and varied. They deal with recognized systems of constitutional practice in vogue then.) In spite of nearly a century of research we are yet far from an authoritative text-book on the history of Hindu India. (From the extant literature of the Hindus, *daṇḍa nīti* is understood as the science of Hindu administration dealing both with the function of government and the machinery of government.) Ancient Indian writers on political science differ distinctly in one respect from modern ones. The political theorist and philosopher of to-day is concerned more with the machinery of government than with its function. The place assigned to the proper duties and functions of the state is rather meagre and inadequate ; but this factor looms large in the political literature of the ancient Hindus. To them the machinery of government was not of much consequence. Still they did not neglect it, for the subject receives treatment, in the available literature on the *daṇḍa nīti*. Nevertheless the functions of government were considered a more important factor. Any slight deviation from the established duty

which the state owes to the community at large was deemed
an unrighteous act of government.   Thus in a way the
functions of administration might be said to have
decided the machinery of government.   From this it is
not to be taken that both the function and the machinery
were merged into one whole ; on the other hand a sense
of separateness was felt between the two concepts.

(*Daṇḍa nīti*, then, is the art and science of govern-
ment.   It came to be known later on by other terms such
as the *Arthaśāstra*, *Rāja Dharma*, *Rāja Nīti* and *Nīti-
śāstra*.   In the शब्दादिवर्ग of *Amara Kośa* it is said that
ānvīksikī and *daṇḍa nīti* are respectively *Tarkavidyā* and
Arthaśāstra.

This indicates that *daṇḍa nīti* was known as the
Arthaśāstra in later literature.[1]

Goshal seems to read some distinction between
daṇḍa nīti and *Arthaśāstra*.   He accepts, as others do,
that the former is concerned with the art of punishment
as well as the art of Government, but ' its scope in the

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[1] आन्वीक्षिकी दण्डनीतिस्तर्कविद्यार्थशास्त्रयो: (i. 9. 9.)

This statement is further interesting as it helps to refute the remark
of Dr. Jolly who says (Introduction, p. 4) that *Ānvīksikī* philosophy in-
cludes the materialistic system of Lōkāyata in the *Arthaśāstra* of Kauṭalya
in which wealth (*artha*) and pleasure (*kāma*) are the only objects of human
pursuit.   According to *Amarakāra* *Ānvīksikī* is *Tarkavidyā* or the science
of logic.   This latter is also known as *Nyāya Śāstra* and *Hētu Vidyā*. Cf. Com-
mentary on *verse* 47, ch. clxxx of *Mōkṣadharma Parvan* (*Mbh.*, *Śānti Parvan*).

Pandit Ganapati Śāstri explains the word ' Lōkāyata ' as न्यायाशास्त्रं
ब्रह्मगार्येक्तम्' appropriately (Trivandrum edition, vol. i, p. 27).   Again
on p. 26, he explains how *anvikṣikī* is ' तयो विशेषो '.   This means
that it not only closely follows the *Trayī* or the three Vedas—Rig, Yajus and
Sāman, but also interprets the correct meaning contained therein. (Cf.
Kāma, ii. 13 ; Śukra, ii. 155.)   Thus the theory of the German scholar
becomes untenable.

latter sense falls short of the *Arthaśāstra*'.[1]   This can-
not stand if what Kauṭalya himself has to say on this
point be given due weight. He defines the *Artha-
śāstra* thus:[2] 'Humanity depends on *artha* and *artha*
is the territory where people live together. The
means of acquiring and protecting this territory are laid
down in the science known as the *Arthaśāstra.*   Again
daṇḍa nīti he explains as one of the four important
sciences figuring in the Schools of Manu, Bṛhaspati, and
Uśanas or Śukra. Kauṭalya quotes the authority of Śukra
to the effect that it is the only important science (*vidyā*)
inasmuch as all other sciences are dependent on it.[3]
Then he proceeds to define the term.[4]   This science
of *daṇḍa* is the *sādhana* or means of realizing the
yogakshema or progress of *ānvīkṣikī*, *trayī* and *vārtā.*   In
other words *daṇḍa nīti* is indispensable for the progres-
sive realization of the objects dealt with in the science
of logic, in the Vedas, and the science of economics.   In
short, *daṇḍa nīti* shows how best to promote the well-
being of society.

Kauṭalya does not stop with this but analyses the
subject further by furnishing us with a categorical
list of the benefits that would accrue from its adoption.
These are: (1) अलब्धलाभार्था (attainment of desirable
possessions not attainable by other means), (2) लब्धपरिरक्षणो

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[1] *Hindu Political Theories*, p. 78.

[2] मनुष्याणां वृत्तिः अर्थः, मनुष्यवती भूमिरित्यर्थः, तस्याः
   पृथिव्यालभमपालनोपायः शास्त्रं अर्थशास्त्रमिति । (Bk. XV. 1.)

[3] Bk. I, sec. 2.

[4] 'आन्वीक्षिकी त्रयोवार्तानां योगक्षेमसाधनो दण्डः, तस्य नीतिः
दण्डनीतिः । (Bk. I, sec. 4).

(protection of what has been acquired), (3) रक्षितविवर्धनी (increasing what is then protected). (4) वृद्धस्य तीर्थेषु प्रतिपादनो (dispensing the wealth thus increased on meritorious purposes).[1]

The object sought to be gained by this then is *lokayātra*.[2] *Lokayātra* or the peace and progress of society is the be-all and end-all of *daṇḍa nīti*. This cannot be attained by itself, but requires active and efficient guidance. The *Arthaśāstra* calls such a guide the king, or leader of men. In this context may be quoted a verse of similar import from the *Mahābhārata*.[3] That these were the main objects with which ancient governments were carried on in practice is evident from a parallel passage in the Junāgaḍh Rock Inscription of Skanda Gupta, dated the year 136 of the Gupta era (A.D 455-56).[4]

The passage is thus translated by Fleet—' Occupied with the welfare of all mankind : capable both in the lawful

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[1] Bk. I, sec. 4.

[2] तस्यामायत्ता लोकयात्रा (*Ibid.*).

[3] अलब्धलाभाय च लब्धवृद्धये ।
यथार्हतीर्थं प्रतिपादनायच ।
यशस्विनं वेदविदं विपश्चितं ।
बहुश्रुतं ब्राह्मणमेव वासयेत् ॥(*Vana Parvan*, 26. 19.)

[4] सर्वस्य लोकस्य हिते प्रवृत्त: ॥
न्यायार्जनेऽर्थस्य च क: समर्थ:स्यात्
आर्जितस्याऽपि अथ रक्षणेच ।
गोपायितस्याऽपि (च) वृद्धिहेतो
वृद्धस्य पात्रप्रतिपादनाय ॥(ll. 7 and 8, F.G.I., No. 14, p. viii.)

acquisition of wealth and also in the preservation of it when acquired, and further in causing the increase of it when protected (and able), to dispense it on worthy objects, when it has been increased.'[1] It is then obvious that the science of *daṇḍa nīti* was also concerned with the art of government.

(*Daṇḍa nīti* is described by K. P. Jayaswal as the ' ethics of the executive '[2] with which Goshal does not agree.[3] We shall now proceed to examine the interpretation of Jayaswal in the light of other *Arthaśāstra* texts. Like his master Kauṭalya, Kāmandaka speaks of four sciences which tend towards the welfare of the world. Of these *daṇḍa nīti* treats of *nayās* or modes of policy which are known as नयानयौ both in the *Kauṭalīya* and the *Śukranītisāra*.[5]

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[1] *Corpus Inscriptionum Indicarum*, vol. iii, p. 62.
[2] *Calcutta Weekly Notes*, vol. xv, p. 275.
[3] *Hindu Political Theories*, p. 78.
[4] Chap. ii. 2.
[5] i. 153.

Śaṅkarārya comments on this technical expression. Policy consists in

उपायसा संधि: योगक्षेमनिष्पादकत्वान् नय: ।

विग्रहस्तु अनिष्पादकत्वादितर: अपनय इत्यर्थ: ।

(Trivandrum Sanskrit Series, *Kāmandakinītisāra*, p. 28.) establishing *yogakshema* by a treaty with the superior power. The reverse is impolicy. But it must be remembered that this is only one aspect of *daṇḍa nīti*. There is an excellent paraphrase of this term in the *Rāmāyaṇa*. Kumbhakarṇa speaks of it to his brother Rāvaṇa on the eve of the war.

न्यायेन राजकार्याणि य:करोति दशानन ।

न स संतप्यते पश्चान्निश्चितार्थमतिर्नृप: ॥

अनुपायेन कर्माणि विपरीतानि यानिच ।

क्रियमाणानि दृश्यन्ति हवींष्य प्रमतेष्विव ॥

(Kāmandaka proceeds to define the term.[1] 'Repression of crime is known as *danda*. Owing to the possession of this virtue, the king himself is known as *danda*. The administration of the king is called *danda nīti*.' It is called *nīti* because it leads, being derived from the root ' नी ' to lead.) This is leading the people into right conduct. Sankarārya in commenting on this verse quotes a popular verse from Manu. The whole world is under the influence of *danda*. Purity of conduct is hard to see anywhere. It is through fear of *danda* that the whole earth is made fit for enjoyment.[2] Kāmandaka then speaks of its great value. By means of *danda nīti*, therefore, the king must protect himself and afford protection to other sciences.[3]

(More light is thrown by the works of Sukrāchārya and Bṛhaspati.[4]

य पश्चात् पूर्वकार्याणि कर्माण्यभिचिकोर्षति ।

पूर्वं चापरकर्माणि न स वेद नयानयौ ॥

<div align="right">(Yuddha Kāṇḍa, xii. 31-33.)</div>

The substance of these lines is as follows : He who acts according to policy in administration will not regret afterwards. He who acts against policy, will regret for ever after. He who postpones deeds which ought not to be postponed and who does deeds which could be postponed is one ignorant of *nayānayau*.

[1] दमो दण्ड इति प्रोक्तस्तत्स्थ्यात् दण्डो महीपतिः ।

तस्य नीतिर्दण्डनीतिः नयनान्नीति �ह्रुत्यते ॥ (ii. 15; cf. Sukra, i. 157.)

[2] सर्वोदण्डजितो लोको दुर्लभोऽहि शुचिःक्वचित् ।

दण्डस्य हि भयात् कृत्स्नं जगत भोगाय कल्पते   (7. 22.)

[3] तयाऽऽत्मानं च शेषाश्च विद्याः पायान्महीपतिः (i. 16.)

[4] Though we are not at present concerned with the date of the composition of their works on polity still one could not help assigning to these a remote antiquity. The reference to gun powder in the *Sukranīti* has made some scholars incline to the view that it is a work of the eleventh or the

Presuming these works are comparatively old and not quite recent as some scholars take them to be, it is interesting to see what they have to say on the concept of *nīti* in general and *daṇḍa nīti* in particular.) Śukrācārya says, '*Nītiśāstra* aims at social well-being and leads on to the welfare of mankind. It is admitted to be the very source of *dharma*, *artha* and *kāma*, and hence a means to salvation. Therefore it is for the king to study always this *śāstra*, the knowledge of which helps him to overcome his enemies, and himself to become an object of delight to his people.'[1] Thus the *Nītiśāstra* is

twelfth century. But a comparative study of the extant texts of Śukra with those of the *Mahābhārata* and even Kauṭalya where quotations are often given from Śukra demonstrates the fact that the present work is undoubtedly a fragment of the ancient treatise of Śukrācārya. The late lamented Pandit Gaṇapati Śāstri pointed out in the course of a personal discussion on the subject that the very fact that the extant treatise has no reference to Kauṭalya shows that it must be a work perhaps anterior to Kauṭalya himself. The *Bārhaspatya Sūtras* on the other hand remind one of the *Chāṇakya Sūtras* published by Dr. Shama Śāstri in his edition of the text of the *Arthaśāstra*. The present work which is in the form of *sūtras* in style bears the mark of an ancient work and leads to the supposition that there must have been an elaborate treatise, the *Bārhaspatya Arthaśāstra*, perhaps a *Bhāshyam* (commentary) on the *Sūtras*, which has been lost. The archaic expressions, the style and even grammatical errors show that it is an early piece of composition with perhaps redactions of later centuries. That it mentions the town of Śrīrangam and the names of various religious sects cannot be taken to prove that the work is recent. The name Śrīrangam and the names of religious sects are found mentioned in the Sangam Literature of the ancient Tamil land. In works like *Śilappadikāram* and *Maṇimēkalai* there are distinct references to these and these works are claimed to be compositions of the earlier centuries of the Christian era. (*Vide* S. K. Aiyangar, *Ancient India*, pp. 255–382.) Such being the case it is hard to understand why the date of this work should not be fixed some time about or before that of these Tamil classics.

[1] सर्वोपजीवकं लोकस्थितिकृन्नीतिशास्त्रकं ।

धर्मार्थकाममूलं हि स्मृतं मोक्षप्रदं यतः ॥ (i. 5.)

अतस्मदा नीतिशास्त्रमथ्यसेवनतो नृपः ।

यद्विज्ञानान्नृपाधाश्च शत्रुजिह्लोकरंजकाः ॥ (i. 6; also v. 12.)

neither a treatise on ethics nor even on polity, but a
synthetic science of society. Its end is social well-being,
and this is realized by protection, justice and peace.
As a matter of fact these were the functions of ancient
Indian states, which were merely the channel of the com-
munal will. To Śukra, *Nītiśāstra* is the very food of
the social organism, its precepts supplying blood to, and
helping to form the flesh of, human society. Like food
supplying the primal wants of physical life, it ministers
to the fundamental interest of social existence.[1]   In
verse 15 again Śukra compares a *nīti*-less state to a
leaky vessel. It is dangerous in the sense that it increases
the number of enemies and saps the quality of efficiency
in the state. Hence the infinite importance of *nīti* to a
state. It is said that a king who acts up to the precepts
of the *nīti* literature is applauded, whilst a king who
acts according to his own will is condemned.[2]   Here,
one can notice the subordination of the individual,
though he be a king, to the teachings of *Nītiśāstra* or
Rāja Dharma. It is for him to promote the good and
happiness of the state as well as of himself by adhering
closely to the precepts of the science of *nīti*.[3]   B. K.
Sarkar remarks, ' In Kāmandaka and specially in Śukra,
we have accordingly not only the pedagogies of Plato,
e.g. his '' *Statesman* '', but also his ethics, the monograph
on justice, viz., the *Republic*, as well as his treatise on
political administration, the *Laws*, if, indeed, all the three
are not to be regarded as equally pedogogical.'[4]

(To Bṛhaspati again there is only one science[5] and

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1 B. K. Sarkar's Translation, p. 3 ; Śukra, i. 11.
2 Chap. i. 17.
5 Chap. i. 18.
4 *S.B.H.*, vol. xxv, p. 29.
5 Chap. i. 3.

that is *daṇḍa nīti.*) The concept of *nīti* is explained thus :

नीतिःकिल नदीतोरत रुवत् । (i. 102.)

तन्नोहातव्यम् । (i. 103.)

Here *nīti* is compared to a tree on the bank of a river. Just as a tree near the waters is unstable and may fall at any time, so also is *nīti*. It must not therefore be abandoned but kept well-cared for. Here Dr. F. W. Thomas who has edited and translated this work, keeps the original reading तन्नोहितव्यम् and translates it ' it must not be desired '. A treatise on moral and political philosophy cannot speak of the non-desirability of *nīti*. Evidently the reading in the text is wrong. In the context the reading तन्नोहातव्यं suggested above seems better. For, it seems to be the idea of Bṛhaspati that that king who abandons the science of *daṇḍa nīti* is sure to land himself in misery, as a moth burns itself in a flame through sheer ignorance.[1] The result of *nīti* is attainment of *dharma, artha* and *kāma.*[2] Bṛhaspati says that *daṇḍa nīti* is peculiar to the country of the Bharatas and must therefore be studied by every one of the four divisions of the Hindu community.[3] It is owing to this science alone that the Sun-God is the king, and Vāyu and other gods, creatures (*vs.* 76–78). This *daṇḍa nīti* is said to be largely read by men of wisdom in the Kṛta Yuga, by the followers of *karma* in the Trētāyuga, by the followers of *tantra* in the Dvāpara, and by ordinary men in the first quarter of *tishya* or Kali Yuga. After this period people become victims to unrighteousness and no more follow the precepts of *daṇḍa.*[4]

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[1] Chap. i. 112.　　　　　[2] Chap ii. 43.
[3] Chap. iii. 74, 75.　　　[4] Chap. iii. 141-48.

(The same ideas more or less are found in the *Dharma Sāstra* literature. In the extant *Manusmṛti* it is stated

दण्ड:शास्ति प्रजा: सर्वी दण्ड एवाऽभिरक्षति ।

दण्ड:सुप्तेषु जागर्ति दण्डं धर्मं विदुर्बुधा: ॥ (vii. 18.)

'It is *daṇḍa* that rules the subjects, it is *daṇḍa* that protects all. It is *daṇḍa* that keeps awake and guards people when they are asleep and hence the learned style *daṇḍa* itself as *dharma*.' It will thus appear that the essential requisite for a state as a state is *daṇḍa*. It is the means to realize the end, namely, the propagation of *dharma*. The law-giver goes the length of deifying *daṇḍa* as a goddess with a dark complexion and with red eyes, carrying destruction to avowed sinners, but peace to the innocent. In a country where this goddess, *daṇḍa*, moves about, there the people never experience difficulties. And the king thoroughly enjoys his position.[1] Deification of *daṇḍa* is more elaborately made in the *Sānti Parvan* of the *Mahābhārata*.[2] The power of *daṇḍa*, and especially the dread of it, is such that even the Devas, Asuras, Gandharvas, Rākshasas, Pathagas, and Uragas, do their duty loyally. Kullūka Bhaṭṭa in his commentary on *verse* 23, chap. viii of Manu quotes the *śruti*[3] 'through fear of Him, Agni burns: through fear glows the sun: through fear Indra and Vayu: Mṛtyu runs the fifth.' From these it is evident that the ancients realized the truth 'No *daṇḍa*, no society; no *daṇḍa*, no state.' State and society exist

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[1] Chap. vii. 25.   [2] *Rāja Dharma*, chap. cxxi, *vs.* 14–22.

[3] भयादस्याग्निस्तपति, भयात्तपति सूर्य: ।

भयादिन्द्रश्च वायुश्च मृत्युधीवति पञ्चमम् ॥

in and through *daṇḍa*. *Daṇḍa* is the guiding factor for everything.[1]

Kauṭalya says that *daṇḍa* which is applied after duly examining the precepts laid down in the *Śāstras* (सुविज्ञातप्रणीत:) alone ends in the realization of *dharma*, *artha* and *kāma*,—the *trivarga* of Hindu literature. We shall examine later the nature of this *trivarga* and its relation to the *daṇḍa nīti*. An ill-application of the *daṇḍa* (दुष्प्रणीत:) i.e. not administering justice according to the rules and regulations ordained in the sacred books, cannot realize the end. It is said that *daṇḍa* which is the consequence of ambition, jealousy, and ignorance, enkindles the anger even of *vānaprasthas* and ascetics. And further the absence of application of *daṇḍa* gives the occasion for *mātsya nyāya* which we shall explain later on. Protected by *daṇḍa*, Kauṭalya concludes, the state prospers.[2] In recapitulating the substance of the original *daṇḍa nīti* of Brahma, the Creator, Bhīṣma remarks, that this treatise is directed by *daṇḍa*, or *daṇḍa* is the directing force of this work. This *daṇḍa nīti* was made for the well-being of the world and for the establishment of *trivarga*. *Daṇḍa* affords protection to the world by means of repression and favour.[3])

Sec. ii. ORIGIN OF STATE AND SOCIETY

So far the discussion has been about the nature and scope of *daṇḍa nīti*. As to its origin, our one source of

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[1] Kauṭalya qualifies the general term *daṇḍa*. According to him it is of three kinds : *tīkṣṇa daṇḍa* (cruel), *mṛdu daṇḍa* (mild), and *yathārtha daṇḍa* (just.) The first form of punishment alienates the people from the king, the second does not evoke respect for authority, and the third alone must be pursued.

[2] Bk. I, sec. 4.

[3] *Mahābhārata, Rāja Dharma,* chap. lviii. 79–82.

information is tradition as embodied in ancient literary works.   Here both the divine and human origins of the state and society find mention in a form apparently historical.   More and fuller details as to the origin of the state are given in the *Mahābhārata*.   Bhīṣma says to Yudhiṣthira : ' Listen how the state came into being at first in the Kṛta Yuga.   Then, there was no kingdom or king, *daṇḍa* or *dāṇḍika*.   It was a state of nature when all people without exception pursued the path of *dharma* and conducted themselves towards one another in an absolutely righteous manner; but in course of time poverty and delusion possessed the minds of the people and this led to embarrassment and affliction of all kinds : Covetousness (*lopa*), lust (*kāma*) and desire (*rāga*) preponderated in the minds of the people.   In such a state there was no distinction between right and wrong, between what is moral and the opposite.   People yielded to all sorts of unhealthy feelings, spoke what should not be spoken, ate all kinds of food prescribed or prohibited.   It appeared that King Dharma was completely dethroned.   Devas became subjected to fear and appealed to Brahma for help and grace.   The creator composed a science for the social advancement and well-being of the world in a hundred thousand chapters.[1]   It included not only the science of *daṇḍa nīti* but also the *trayī*, *ānvīkṣikī* and *vārttā*.   It further dealt with the *trivarga*, namely, *dharma*, *artha* and *kāma* ; and *ṣaḍvarga*, namely *ātma* (a clear and free mind), *dēśa* (country capable of being turned into a good one), *kālā* (time well used), *upāyas* (means), *kṛtyam* (good deeds resulting in profit) and *sahāya* (allies).[2]

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[1] Cf. Manu, vii. 14 ; *Samarāṅgaṇa Sūtradhāra*, chap. vi.

[2] *Rāja Dharma*, chap. lviii. 1-33.

Bhīṣma continues : ' Śankara, otherwise known as Śiva or Viśālākṣa, condensed this *Nītiśāstra* into ten thousand chapters. Indra who learnt this from Mahādēva further summarized it into five thousand chapters. This is well-known as *Bāhudantaka*. Bṛhaspati made it into three thousand chapters, while Śukrāchārya further condensed it into a thousand.[1] From the extant *Vaiśampāyananīti* (apparently a later work) it is clear that the process of condensation went on for a long time. Bharadvāja summarized this science into seven hundred chapters and Gaurīśiras and Vyāsa into five hundred and three hundred chapters respectively. It would be legitimate to inquire why this process of condensation went on continuously. The answer is furnished by the authors of the *Śukranīti* and the *Vaiśampāyananīti*. They advance the argument that, as the tenure of life of the people was growing shorter as ages passed by, the political theorists of the various periods felt the need of a book which could be mastered in the short span of life available.[2]

Tradition, as to the human origin of the science of *daṇḍa nīti* is not wanting. In the same book of the *Mahābhārata*[3] the authorship of the science is attributed to eight sages. After composing the said science the sages placed it before God Nārāyaṇa for approval. The God was exceedingly pleased with that great and useful work, and remarked that this original work of the sages would last down to the period of King Uparichara and vanish at his death. It would further be a guide to Svāyambhuva Manu who will promulgate the principles of *dharma* to the world at large, and it would also prove a

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[1] *Rāja Dharma*, chap. lviii. 82-92.
[2] Śukra, i, ii, iv ; *Nīti Prakāśa*, i, *vs.* 21-25.
[3] Chap. cccxxxv ; see *Carmichael Lectures*, 1918, p. 93.

fruitful source of information for the treatises of Bṛhaspati and Sukra.

Whatever was the origin, human or divine, the fact was that there was a science extant in the world, *daṇḍa nīti*. The object of the science was to make the world happy and prosperous. This could not be effected by the science itself. It required an authority to enforce its practical application. Towards this end the institution of kingship came into being. (Here again there are two traditional schools of thought, one describing the origin of kingship as divine and the other human. In the *Mahābhārata* Bhīṣma recounts how kingship was instituted. When the world was in a state of nature (in the sense in which Hobbes uses the term) and when people suffered untold misery arising from a state of anarchy, the Devas approached Viṣṇu and requested him to appoint the best leader of men. Then from His Mind sprang *Virājasa*. But he did not wish for the overlordship of the earth. His son Kīrtimān and his son Kardama were of the same temperament. But Anaṅga, son of Kardama, ruled the people according to *daṇḍa nīti*. So also his son Atibala. But his son Vena conducted himself badly by taking to unrighteous ways. The sages had him killed by the use of a charm (*mantra*). Out of his right thigh sprang Nishādas (hill-tribes) and Mlechchas. Out of his right hand came Vainya, accoutred in military attire and versed in *daṇḍa nīti*. He satisfied the sages by promising to rule according to the laws of *dharma*, and to render even-handed justice by looking upon friend and foe alike. On this the sages vested him with the office of kingship and appointed Sukrāchārya his *Purohita* while the Vālakhilya and Sārasvata *Gaṇas* became his ministers. Gārga was appointed astrologer, Sūta and Māgadha entered into their respective duties, and Vainya's government

was an ideal government. Wealth and treasure flowed from the mines of the land and the ocean as well as from mountains. Under his rule the whole earth was tilled and cultivated with seventeen kinds of grain. He first got the name *rāja* by giving his subjects the greatest amount of happiness. He got the name Kṣatriya for having freed the peoples from all their troubles. Under him again the earth became *pṛthivi* for the king's name was Pṛthu. Even Lord Vishnu was pleased with his great acts and deeds and entered his body. From that time forward Pṛthu became infused with divinity.[1]

In the *Samarāṅgaṇa Sūtradhāra* of Bhoja the account of the origin of kingship resembles that of other *nīti* texts in regarding Pṛthu as the first king. Here he is described as possessing prowess like Indra and the Lokapālas, and the strength and valour of the lion, the king of the beasts. While consecrating him, the Creator addressed the people : ' Pṛthu is the overlord of you all. He will afford protection to the good and punish the evil-minded. He will be a *nṛpa* by ridding you of all your fears. He will render even-handed justice and carry on an efficient administration so as to preserve the well-being of *varṇas* (castes) and *āśramas* (stages of life).' On this the people addressed the king : ' O lord of the earth, shelter us from the sea of troubles in which we are struggling hard.' Prthu replied : ' Do not entertain any apprehension. I shall free you from all your difficulties. I shall establish the *svadharma*, *varṇadharma* and *āśramadharma*, and enforce them with the rod of punishment. I shall establish hamlets, villages, townships and cities, and make the earth yield plenty. In this manner

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[1] *Sānti Parva*, lviii. 95-153 ; *Nīti Prakāsa*, chap. i. 26 ff.

I shall endeavour to increase your happiness and prosperity to the utmost.'[1]

There is vast testimony to the fact of the human origin of the institution of kingship. The *Kauṭalīya* says:

मात्स्यन्यायभिभूताः प्रजा: मनुं वैवस्वतं राजानं चक्रिरे ।

Under the storm and stress of anarchy the people elected Manu as their king. In this passage Kautalya lends the weight of his authority to the human origin of the state. The word 'प्रजा:' distinctly emphasizes the human origin of kingship. The state of nature became so depressing that the people had Manu, son of Vivasvān, appointed as king. The terms on which the office was conferred on him are also given. The people agreed to pay one-sixth of the grains in kind, one-tenth of other articles of merchandise, besides a portion of the gold in their possession. Such wages to the king were in return for his guaranteeing to the people their *yogakshema* or social welfare. Towards this end the king enforced order and obedience by varied forms of punishment and by means of levy of several fees. In return for the king's protection even hermits in the forest had to give one-sixth of their forest-produce to him. The king was the visible awarder of punishment as well as favours, and hence he occupied a position only equal to that of Indra, the lord of heaven, and Yama, the lord of justice. To disregard him was to incur punishment. On this account it was ruled that kings ought not to be disrespected.[2]

The *Śānti Parvan* of the *Mahābhārata* has also reference to the story how Manu became the first overlord f the earth. Here we meet with the peculiar doctrine of ·व or contract. When anarchy showed its abhorred

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head, people felt the need for peace.   Hence they entered into a compact among themselves to the effect that the boaster (वाक्शूरः), the cruel man, the violator of women's chastity, and of agreements in general, should be banished from the land so as to create ease and confidence among all the communities.   But still the arrangement was not fruitful.   They appealed to Brahma who in his turn appointed Manu, the best among men, to rule as well as reign.   Manu realized to the full the responsibilities of overlordship and expressed his unwillingness to rule over a people addicted to untruth and all other sins.   On this the people agreed to give one cow for every fifty cows sold or bought, one-fiftieth of gold, and one-tenth of grains, besides an accomplished maiden in marriage and a number of armed men to follow him.   In return they asked for peace and protection.   Manu accepted the office and set out for conquest.   People took to *svadharma* and the social welfare of the world was accomplished.[1]

It is worthy of remark that these ideas of election and contract are quite in keeping with the Buddhistic theory of the origin of kingship.   In the *Dīgha Nikāya* mention is made of the concept of the state of nature when kingship

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[1] *Rāja Dharma*, chap. lxvi. 18–30.

There are then two schools with different traditions, one describing Manu as the first king, and the other Pṛthu as the first king.   At first sight it would appear that the two accounts are contradictory.   Both of them agree in the theory of an original state of nature when the laws of nature were highly respected and adhered to.   The original state of nature became in course of time transformed into the Hobbesian state when on appeal the Creator appointed Pṛthu to rule over the earth for the preservation of social *sthiti* (well being) according to *Samarāṅgaṇa Sūtradhāra* and other texts. After the lapse, perhaps, of several centuries commencing with Pṛthu, there again set in a state of anarchy, another form of the state of nature when the practice of *mātsyanyāya* held sway in the realm of mankind.   It was so

11032

was instituted on the basis of contract.[1]   The king
is known as a *Mahāsammata* and a *Khattiya*.   The state
of nature represents here a stage of pre-political society in
which the institutions of family and property are recog-
nized though the enjoyments thereof are uncertain. It was
a social state in which there was no fixed standard, nor a
political authority which could prevent the violation of
the rights pertaining to property and family.   Towards
this end a *Mahāsammata* was appointed whose duty it
was to enforce the already existing rights and thus be a
‘protector of the fields’.[2]   It would then appear that
both the Brahmanic and Buddhist texts agree as to the
existence of the social state in the first instance, and
the election of a king on the basis of contract in the second.
To use modern political phraseology, the agreement with
Prthu was a sort of political or social contract which is
reckoned as the origin of civil society.   That which
Kauṭalya refers to is possibly a governmental contract as
it deals with certain definite agreements between the ruler
and the ruled.   It may also be noted in passing that this
contractual theory of a governmental compact was
not a figment of Kauṭalya's imagination, but a theory
already existing.   This is evident from the *Kauṭalīya*
itself.[3]

distressing that people elected from among themselves the best, namely
Vaivasvata Manu as their overlord by entering into a contract with him.
In this way both the traditional accounts can be easily and satisfactorily
reconciled.   That Pṛthu was an earlier king than Vaivasvata Manu is
evident from the fact that while there is reference to Pṛthu in the Vedic
literature as the first of the consecrated monarches : (Krishṇa Yajurveda
Tait. Brāhmaṇa, i. 7. 7. 4.) there is no such reference to Vaivasvata Manu.

[1] *Aggañña Suttanta,* vol. iii. p. 93.
[2] Rockhill, *Life of Buddha*, pp. 1-7.
[3] Bk. I, sec. xiii.

Sec. iii. THE CONCEPT OF MATSYA NYĀYA

Reference has already been made to the *mātsya nyāya* theory. The guiding principle of this theory is 'might is right'. Literally rendered the term *mātsya nyāya* means the 'logic of the fish', in other words, the law of the greater fish devouring the smaller ones. This supplies the explanation of the Hindu concept of the state of nature. According to orthodox tradition as expounded in the *Arthaśāstra* and the *Ithihāsas* the original state of nature was one of ideal bliss when people naturally led a moral life perhaps born of regard for humanity in general. They were not bound down by laws or conventions and systems. This state of innocence, however, in course of time gave place to a period of insecurity and even savagery when chaos and anarchy reigned supreme. Might was the order of the day. People had no regard for human and divine order. The very social existence (*sthiti*) was made impossible. It was felt that over the whole world were spread the wings of destruction, and the day seemed not far off when it would reach its end. On this the Lord, the Creator, out of his abundant love to mankind, set up spiritual and moral standards which were named *danda nīti*. Any violation of such standards was severely dealt with by the authority in power (*imperium*), and this authority was invariably the king. Out of fear of *danda* people began to lead a moral and even a spiritually good life. As Kautalya acutely remarks, protected by *danda* the state prospers.[1]

This peculiar state of nature is also described as *arājaka* in the *Śānti Parvan* of the *Mahābhārata*. *Arājaka* simply means a state with no government. According

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[1] Bk. 1, sec. iv.

to the then prevalent standards, government was indispensable for a state. ' No government, no state,' is the principle underlying the *Rāja Dharma* section of the *Mahābhārata. Arājaka* is a state of anarchy as is explained in chapters lxvi and lxvii of the *Śānti Parvan.*   It will not be out of place to summarize these here.

Unprotected by an authority the state becomes subject to plunder and devastation by marauders ; people devour one another. Life becomes unsafe. A person cannot enjoy the possession of his person and property.   The wicked rob the weak and the innocent of their wealth, and themselves also suffer in their turn.   Women are forced to give up their chastity. The atmosphere is pervaded by an all-round darkness.   Like fishes in a small pool of water, and like birds in the toils of hunters, people injure and kill one another.   People in a state of anarchy are compared to a herd of cows without a cow-herd, and hence confront insurmountable difficulties in the maintenance of their family and property.   The spiritually-minded are often thrown into the jaws of death. No regard is shown to parents, the aged, the *achārya*, or the guests.   The rich every day are murdered or put in chains.   Women themselves become loose in morals.   Agriculture, trade or commerce, does not thrive.   The Vedas begin to disappear and the performance of sacrifices (*yajñas*) ceases.   There are no regular marriages, nor well-conducted assemblies.   Unrighteousness and injustice prevail.   There is an intermixture of castes, and religious authority is openly defied.   No one sleeps without fear, and famine stalks naked.'

As in the *Mahābhārata* so also in the *Manusmṛti* the

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¹ Cf. Manu, chap. vii. 21.

word 'arājaka' equates with *mātsya nyāya*.[1] The conception of the law-giver is that in states where government ceases to be, all people live in perpetual dread. In the absence of *daṇḍa* or *daṇḍadhara* the strong would devour the weak as the spike, the fishes.[2]

This text is as corrected by the celebrated commentators like Mēdhātithi and Gōvindarāja. But Kullūka Bhaṭṭa gives another reading in this context.

जलेमत्स्यानिवाहिंस्युः दुर्बलान् बलवत्तराः ।

This indicates the traditional feeling of *mātsya nyāya* and hence may be usefully adopted as the more correct view. It is interesting to recall here that the same line occurs in the *Yuktikalpa-taru*.[3] There is also another reading of the line in the *Śānti Parvan* of the *Mahābhārata* with a slight difference.[4] This idea again of smaller fish being devoured by the larger ones is also found mentioned in the legend of the fish narrated by Mārkaṇḍeya in the *Vana Parvan* of the *Mahābhārata*.[5]

The state of *arājaka* is elaborately described in chapter lxvii of the *Ayodhya Kāṇḍa* of the *Rāmāyaṇa*. ' It is the prime cause of all ruin to the state. There will be no seasonal rain, no fruitful crops, no obedient son or wife, no private property, no truth, no assembly, no beautiful parks or sacred places of pilgrimage, no performance of *yajñas*, no theatrical amusements, no festivals or festivities, no learned lawyers, no pleasure-drive

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[1] अराजके हि लोकेऽस्मिन् सर्वतो विद्रुते भयात् । (vii. 3.)

[2] शूले मत्स्यानिवाभक्ष्यन् दुर्बलान् बलवत्तराः । (vii. 20.)

[3] शूलेमत्स्यानिवाभक्ष्यन् दुर्बलान् बलवत्तराः । (105.)

[4] जलेमत्स्यानिवाभक्ष्यन् दुर्बलं बलवत्तराः । (66. 16.)

[5] Chap. cxc. 7-9.

with family in swift going vehicles, no peace, no
sleep for the rich even with doors shut, no learning
or practice-of-arms, no caravan traders, no self-controlled
men enjoying solitude and bliss, no *yogakshema* (obtain-
ing that which could not be got and protecting what
has been acquired, according to Govindaraja), no army
conquering hostile enemies, no temple-worship, and
no enjoyments of any sort. The kingdom without a
king resembles a river without water, a forest without
pasture and cattle without a cow-herd. In such a territory
nothing is one's own. The people swallow one another·
like fishes.'[1] Thus both the epics and the *Dharma-*
śāstras like Manu, and the *Purāṇas* like the *Mātsyapurāṇa*
are quite at one as regards the nature of an
arājaka territory. That this notion continued to prevail
even centuries after is demonstrated from the elec-
tion to the throne of Gopāla of the *Pāla* dynasty
of Bengal. It is said that the people elected Gopāla to
free themselves from a state of anarchy, or *mātsya*
nyāya. This Gopāla was the father of Dharmapāla who
lived in the ninth century A.D.[2]

There is again reference to this concept, of *mātsya*
nyāya in Raghunātha's *Laukika-Nyāya-Saṅgraha* (a
work attributed to the fifteenth century A.D.). Raghu-
nātha explains this as occurring frequently in the *Purāṇa*
and in the *Itihāsa* literature and quotes *Vāsiṣṭha* in the
course of *Prahlādākhyāna*.[3]

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[1] Chap. lxvii, *śl.* 8–31. Cf. *Mātsyapurāṇa*, chap. ccxxv, *v.* 9.

[2] Khālimpur Grant of Dharmapāla, *Epigraphica Indica*, vol. iv, p. 248.
The name Dharmapāla instead of Gopāla is wrongly given in some
recent publications.

[3] एतावताऽथकालेन तद्रसातलमण्डलं ।

ब्रभवूदराजकं तीक्ष्णं मात्स्यन्यायकदर्भितम् ॥ इति

(The Pandit Series, 1901, p. 122.)

This state of anarchy presupposes a state of nature where one finds perpetual conflict between strong and weak individuals in a group with the result that the weak are defeated and subjugated by the strong. This then indicates what we to-day understand by the terms, the struggle for existence and the survival of the fittest. This is surely the individualistic theory with a vengeance. People of sanity grew sick of this state of affairs and desired peace. Necessity for a powerful hand to dominate the people was badly felt, and the result was the code of laws which goes by the general term, *daṇḍa nīti*, the guiding feature of which is the institution of kingship.[1]

Jayaswal's interpretation of the term *arājaka* seems unacceptable and we are inclined to take it, on the explicit authority of the *Rāmāyaṇa*, that the '*arājaka*' state meant a state in *mātsya nyāya* or anarchy. Rather the *mātsya nyāya* was one form of '*arājaka*' which

[1] Scholars are not quite agreed as to the interpretation of the term *arājaka*. Mr. Jayaswal thinks that the *arājaka* or non-ruled state was a living institution which had been tried as a constitutional experiment more than once in ancient times. The learned scholar places above others the Jaina *sūtras* as his authority in this particular. (*Āyāraṃgasuttaṃ*, vol.ii, 3, 1-10, edited by Jacobi, *Hindu Polity*, pt. i. p. 99.) The Jaina *sūtra* cited gives 'six forms of state : ' non-ruled ' (*arājaka*) states, *gaṇa*-ruled, *yuvarāja*-ruled, two-ruled, *vairājya*, and party-ruled state. Jayaswal goes the length of interpreting the term *arājaka* in the *Śānti Parvan*, chap. lviii, to which we have made pointed reference, as the state of law when people lived by mutual agreement or social contract. No doubt the *Śānti Parvan* speaks of a democratic form of Government in which law or *dharma* was the uncrowned ruler when people never dared to transgress its precepts ; but whether this state is what the *Mahābhārata* calls as an *arājaka* state, one can hardly say with any confidence. There were in vogue in ancient india democratic and republican forms of constitution. They may have been of the nature of experiments, though not actually so intended. They failed apparently to meet the needs of the times. Hence the people obviously needed a powerful and a selfless authority to meet the situation with a firm hand. Consequently the people learned to prefer a monarch.

inspired people with fear of its consequences. Peculiar doctrines have been prevalent in every kind of constitution, and in the *arājaka* state the ' doctrine of fish ' alone gained more currency than any other. Undoubtedly then both ' *arājaka* ' and *mātsya nyāya* theories point to anarchical forms of the state. A close study of the various texts gives indication of the fact of the historical or evolutionary development of the state government. To use modern political terms, the original state was one of democracy of the ideal type. This led directly or indirectly to a stage of anarchy, confusion, and blood-shed. Consequently the purest democratic form was deemed ill-adapted as a working principle and gradually given up. Soon definite laws were established and kingship was made a living institution, and this king was not an absolute uncontrolled autocrat, but he was what we understand to-day by the term a constitutional monarch.

This institution can be traced in Vedic literature wherein are found many references to monarchical forms of government, where the king could do wrong and where he was under the control of the people or law. Law was above the king and it was eternal (*sanātana*). But this characteristic of law must be understood in a qualified sense ; for though law remains the same in principle, still a gradual evolution in practical application, according to the changing needs of the times, worked itself out. *Śiṣṭāchāra* (the practice of the learned) warranted such an alteration, which the needs of the time actually brought about. The law was purely customary and hence the state had little to do with legislation. What the remarkable historian Grote said of Zeus would equally apply to our ancient Indian King, ' He was not a lawmaker but a Judge.' Thus was introduced

a form of constitutional monarchy with healthy limitations which had a telling effect on the constitution, first, by upholding the rights of the people (which is democracy), and secondly, by enforcing duties on the authority, that is the monarch. Thus it was a mixed constitution in which both the democratic and monarchic principles found recognition, and in which both were interdependent.

What were the ends that the ancients sought to attain by propounding a mixed constitution like this? It was already shown that general principles of law were formulated beforehand and were taken for granted as established ; and hence the rule of the king was to be the rule of the law and the government of law. But this law was not of the universal and comprehensive type. It was law in the sense that it provided certain recognized regulations for the maintenance of order in society. Any law presupposes a community of people or society. In this context we must not confound state with society or society with state. Both society and state were separate entities, and independent organisms.[1] Each of these had its own sphere of functioning and activity, its own structure and growth. The state did not always interfere with the social activities and organizations. But this was not absolute non-interference. The state certainly interfered with society whenever and wherever it was necessary. The policy of the state was, in other words, individualistic in character. That means the sphere of governmental activity was limited to a considerable extent.

Professor Gilchrist summarizes the functions of government according to this individualistic theory.

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[1] R. K. Mookerjee, *Local Government in Ancient India*, intro., p. xv.

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1.   Protection of the state and individuals from foreign aggression.

2.   Protection of individuals against each other, i.e. from physical injury, slander, personal restraint.

3.   Protection of property from robbery and damage.

4.   Protection against false contract or breach of contract.

5.   Protection of the unfit.

6.   Protection of individuals from preventible evils, such as plague or malaria.

This was, in short, protection of life and property of the citizens by the state. In return for this function by the state people paid taxes and revenue. The state in ancient India according to the available sources of information, can be said to have rested on an individualistic basis, individualistic in the sense that the individual strove for the attainment of his ultimate aim, namely, the salvation of his soul. Society, as conceived by the ancient Hindus, existed for the promotion of this aim of the individual, and the individual did not exist for the society as was the case in the early History of Greece. Maine says, ' Society in primitive times was not what it is assumed to be at present, a collection of *individuals*. In fact and in the view of the men who composed it, it was an aggregation of *families*. The contrasts may be most forcibly expressed by saying that the unit of an ancient society was the *family*, of a modern society, the individual.'[1] Society thus realized pales into insignificance before the state. State-control of social organization is to-day rapidly dethroning society as a separate entity, the latter being slowly but surely merged in the more powerful organization of the state. This conception was foreign to the

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[1] *Ancient Law*, p. 104.

genius of the Hindus. The ancient Hindus evolved distinct organizations of their own, both political and social, each functioning in its limited sphere of action. In this structure of society the individual was a member *of* the group, and was *in* the group. As a member he was to partake of the nature and the character of the group whatever it be ; and by virtue of his position in the group he was guided by the policy of common will and common interest. He was free to express his own ideas on the question or questions engaging the serious consideration of that group, but he must subordinate his opinion to the common opinion. It was what is called the ' sacrifice ' of the individual to the state. This group-feeling is the chief support for the power of the state, says Bertrand Russel[1] and makes the further remark, ' almost every man finds it essential to his happiness to feel himself a member of a group, animated by common friendship and enmities, and banded together for defensive attack.'

Sec. iv. THE RELATION OF *TRIVARGA* TO *DANDA NITI*.

There is one other aspect of the science of *danda* and that is its relation to *trivarga*. This important aspect has received but little attention. *Danda niti* has been characterized rightly, as *trivarga vidyā*, the science of the three ends of life.[2] The *trivarga*, namely, *dharma*, *artha*, and *kāma*, leaving *moksa*, out of account, constitutes the *purusārthas* of Hindu

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[1] *Principles of Social Reconstruction*, pp. 52, 53.

नीते: फलं धर्मार्थकामावाति: । (*Br. Sūtra.* ii. 43.)

sociology, and *Rājadharma* functions towards the attainment of these *puruṣārthas*.[1]

Dharma is the most important of this *trivarga*, says the *Bārhaspatya Nītisāra*.[2] The realization of this *trivarga* is said to lead on to the fourth *puruṣārtha*, namely, *mokṣa*. 'Dharma* has been a word to conjure with. It has been taught in all possible and imaginable ways—by express teaching, by commands, by stories, by literature and art, in temples, on the stage, and by the living examples of saints and *avatars*. It implies structure and function; it has reference to a type, and it is based on discipline; it is the meeting-point of the individual and of society, of religion and philosophy, of here and hereafter, of man and God. It is the cement of society, the bond of love, the means of attainment of God.'[3]

This plant of *dharma* should be carefully nurtured for all acts grow from it. That king who, though deprived of *artha* and *kāma*, clings to *dharma*, reigns long.[4] *Daṇḍa nīti* is like the reins of a horse, or the goad of an elephant, to men of the four *varṇas*, to keep them in the ordained path of *dharma*.

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[1] धर्मःप्रधानं पुरुषार्थात् । (*Ar. Śās.*, ii. 55.)

[2] धर्मप्रधानं पुरुषार्थीनां ।

(*Bṛ. Sūtra.* ii. 55 ; cp. *Kāmasūtra*, Bk. I, ii. 14.)

[3] K. S. R. Sastri, *Hindu Culture*, p. 93.

[4] सेवा धर्मस्य कर्तव्या सततं भूरिवत्सरैः । (*Śanti*, lxviii. 80.)

पुरुषेनरशार्दूल तन्मूलाः सर्वथा क्रियाः ।

अर्थकामविहीनोऽपि चिरंपाल्यतेमहीं । (*Ibid.*, 87.)

The king is said to be the maker of *kāla* or time.   He makes and unmakes the four *yugas* by his actions. He must ever endeavour to create the Krta Yuga as against the Kali Yuga.[1] In a later chapter (91) Bhīṣma speaks of the king himself as the Yuga (*v* 6). *Danda* or well-timed and impartial justice is *dharma*, and *artha* is the root of *dharma*.   The whole chapter[2] is devoted to the discussion of this subject of *trivarga* and its place in Indian polity.   The fruits of *dharma* are said to be the attainment of divinity and of heaven ; of *artha* enjoyment (*bhoga*), of *kāma* (satis-faction of the senses) and of *mokṣa*, release from the bonds of these three.   There must be healthy restraints in the realization of the three ends of life in order that this life may lead to *mokṣa*.[3]   There must be a harmo-nious co-ordination of these spiritual standards.   In this context Bhīṣma narrates the discourse which took place between Kāmandaka Ṛiṣi and Angariṣṭa Rāja. The king enquires of the sage : ' If a king under the influence of anger and jealousy commit deeds of sin and repent afterwards, will he be absolved of the sin ? Can a king get salvation if in ignorance he practises *adharma* as *dharma* ? ' The sage replied that the king who abandoned *dharma* and *artha*, and enjoyed *kāma* in excess would ruin his powers of knowledge, and in this state wicked people would increase in numbers.   He would get himself involved in all kinds of troubles.

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[1] *Śānti*, lxix. 25–28.

कृतं त्रेता द्वापरश्च कलिश्च भरतर्षभ ।

राजवृत्तानि सर्वाणि राजैव युगमुच्यते ॥

[2] *Ibid.*, cxxiii.

[3] Cf. *Kāmasūtra*, Bk. I, chap. ii.

Hence the king should pursue the beaten track of his ancestors.

Every *parvan* of the *Mahābhārata* has something or other to say on the *trivarga*. In chap. v of the *Sabhā Parvan* Nārada is said to have asked Yudhiṣṭhira questions in words pregnant with *dharma*, *kāma* and *artha*, धर्मकामार्थसंयुक्तं (19). The first questions are interesting. 'Are you increasing your wealth? Is your mind rooted in *dharma* ?   Are you enjoying happiness with a controlled mind ?[1]   Is *dharma* being fulfilled according to *artha*, and *artha* according to *dharma*? Are these two not being obstructed by *kāma*?   Are you observing these three aims in their proper place and time ?[2]   According to the sage Vidura, *trivarga* is said to take its source from *dharma* just like the state.[3] Manu says,[4] 'Some say that *dharma* and *artha* are of supreme importance.   Some are of opinion that *artha* and *kāma* are the most important.   Others say that *artha* alone is important.   For it is the sole means for *dharma* and *kāma*.   But my opinion is all the three are of capital importance,[5] in that each of them is complementary to the other.'   The non-observance of *dharma* (शास्त्रविहितमनुतिष्ठन् according to Kullūka Bhaṭṭa) will lead to misery.   Hence though confronted by insuperable difficulties one   must   not   cross   the   boundary   of

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[1] *Mbh.*, *Sabhā Parva*, v. 20 ff.; cf. *Ayōdhya Kāṇḍa*, chap. c. 63–64; *vide* Govindrāja's commentary.

[2] *Ibid.*, *vs.* 20–23.   [3] *Vana Parvan*, iv. 7.

[4] धर्मार्थावुच्यतेश्रेयः कामार्थौ धर्ममेवएव च ।

अर्थ एवेह्वा श्रेयस्त्रिवर्गं इति तु स्थिति: ॥ (ii 224.)

[5] Cf. *Ayōdhya Kāṇḍa*, chap. xxi. 59.

dharma. [1] Such standards of *artha* and *kāma* that go against the ordained principles of *dharma* must be abandoned. [2] Hence the king must endeavour to administer justice in accordance with the standards of *dharma, artha* and *kāma* by consulting his ministers either in the middle of the day or in the night. [3]

Kauṭalya says समं वा त्रिवर्गमन्योन्यानुबन्धम् (1. 7). The three objects of life are intertwined with one another, and hence for the pursuit of life all these objects are equal and must be treated as such. This general statement he further qualifies. If one devotes more attention to any one of these objects to the neglect of the other two, the real object of life becomes unattainable. By this he causes trouble not only to one but also to the others (इतरौ). This is commented by Dr. Gaṇapati Śāstri thus : अर्थकामौ, धर्मकामौ, धर्मार्थौ (both *artha* and *kāma, dharma* and *kāma, dharma* and *.artha*). Kauṭalya speaks of the third object of life thus : धर्मार्थंऽविरोधेन कामं सेवेत । Pursue your *kāma* (desires) in such a manner that they do not come in conflict with *dharma* and *artha*. At the end of the discussion Kauṭalya cites it as his opinion that prominence should be given to *artha*. For *dharma* and *kāma* originate in *artha*. According to Vātsyāyana, to a king *artha* is more important than *dharma* and *kāma*; for it is by means of wealth that social order is maintained and the government of the land is carried on. [4] In the *Chāṇakya Rāja Nīti Śāstra* the following occurs : By wealth alone *dharma* is fulfilled;

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[1] न सोदन्नपि धर्मेण मनोऽधर्मे निवेशयेत् ।

अधार्मिकानां पापानां आशु पश्यन् विपर्ययं ॥ (Manu iv. 171).

[2] *Ibid.*, iv. 176.   [3] vii. 151 ff.   [4] Bk. 1. ii. 15. 16.

by wealth alone the wealthy become more prosperous ;
without wealth there will be no enjoyment of *kāma* ;
wealth alone is the source of *trivarga*.[1]

Śukrāchārya speaks of *Nīti Śāstra* itself as the root
of the *trivarga*, leading to salvation.[2] He quotes
the examples of Nahusha and Vena who fell into hell for
transgressing established standards. Śukra regards
dharma as the supreme, while to Kauṭalya *artha* alone is
of capital importance.[3] In the opinion of Kāmandaka the
proper observance of the *trivarga* would only come as
a result of the application of *daṇḍa*.[4] Kāmandaka speaks
of an evolution of the three objects of life proceeding
in order of diminishing importance.[5]

Śankarārya comments that *dharma* is that collected
in various previous births and constantly nurtured,
and out of this comes *artha*.[6] There could be no enjoy-
ment without *artha*.[7] There could be no happiness
without proper *kāma*. *Dveṣa* or hatred is said to be
the opposite of *kāma*.[8] The second line of the verse

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[1] Cal. Orient. Series.

धनादिधर्मः क्रियते धनेन

धनेन धन्या धनिनो भवन्ति ।

धनं विना कामकथैवनाहित

त्रिवर्गमूलं धनमेव नान्यत् ॥ (iv. 21).

[2] Chap. i. 5.   [3] Chap. i. 66, 69.   [4] Chap. ii. 38.

[5] धर्मादर्थोर्थतः कामः कामात् सुखफलोदयः ।

आत्मानं हन्ति तौ हत्वा युक्तया यो न निषेवते ॥ (i. 51)

[6] जन्मान्तरोपार्जित धर्ममूल्वात् तदुपष्टृंहणीयत्वाज्ञार्थस्य ।

(Kāmandaka, i. 51 ; Trivandrum Sanskrit Series.)

[7] निरर्थस्य विषयोपभोगासंभवात्..........(*Ibid*.)

[8] यस्तु दाण्डक्यस्येव दुःखफलोदयः सद्वेष एवъ न कामः । (*Ibid*.)

in which Kāmandaka uses the expression 'युक्त्या' advisedly is significant. In his opinion too much of anything is poisonous. Overdoing of *dharma* would itself ruin *artha* and *kāma* and then *dharma* also.[1] Too much of gifts and too much of observance of penances are not hence recommended. The same is true of the misuse of *artha*.[2] Too much indulgence in *kāma* and misuse of *artha* would destroy the real objects of life.

It is the peculiar conception of the Hindus that the *dharma patnī* or the married wife is said to be the means of attaining the fruit of *trivarga*. The *Chānakya Nīti Śāstra* says[3] 'भार्यामूलं त्रिवर्गस्य' and this very idea is expressed in different words and is put by Vālmīki into the mouth of Rāmachandra,[4] on the eve of his departure to the forest when his mother and brother expressed their utmost desire to follow him. An

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[1] अतिदानेन धर्मोऽर्थं हत्वाकामं धर्मान्तरं च हन्ति ।

तपश्चास्यन्तमेवितंकामं हत्वा शरीरक्षयात् धर्मार्थौ हन्ति ।

<div style="text-align:right">(Kāmandaka, i, 51 ; Trivandrum Sanskrit Series.)</div>

[2] तथार्थः तादात्विकोऽप्युपदीयमान ऐलस्थेव धर्मकामौ हत्वा अर्थमपि हन्ति । कामः पुनः अत्यासेव्यमानः स्वौमृगयाद्यूतपानैः चतुर्भिव्यसनैः धर्मार्थौ हत्वा शारीरभयात् आत्मानमपि हन्ति । *(Ibid.)*

[3] i. 32.

[4] धर्मार्थकामाः किल तात लोके समीक्षिता धर्मफलोदयेषु ।

ते तत्र सर्वे स्वरसंशयं मे भार्येव वश्याऽभिमता सुपुत्रा ॥

यस्मिस्तु सर्वस्युः असंनिविष्टा धर्मो यतः स्यात्तदुपक्रमेत ।

द्वेष्यो भवत्यर्थपरो हि लोके कामात्मता खलु अपि न प्रशस्ता ॥

<div style="text-align:right">(*Ayōdhya Kāṇḍa*. xxi. 58 and 59.)</div>

agreeable wife increases *dharma*, *artha* and *kāma* by giving birth to a son. Commenting in his own excellent way Govindarāja makes out *dharma* as of great importance in the list of *purushārthas*. He quotes also धर्मोहि धर्महेतु: अर्थहेतु: काम्यमानस्रकचन्दनवनितादि हेतुश्च । *Trivarga* itself is compared here to a wife, with the qualities of agreeableness, friendliness and bringing forth a good son.[1]

Again in the *Chāṇakaya Rāja Nīti Sāstra* it is said[2] that he who will spend his time without due observance of the *trivarga* is a dead person though he lives. He breathes, but only as do the bellows of an iron-smith.'

The significance of *artha* is clearly expounded by Arjuna in his discourse to Yudhiṣṭhira when he wishes to retire to the forest after the catastrophe at Kurukshētra. Arjuna says *artha* is the means for *dharma*, *kāma* and the ultimate realization of heaven. Life is not worth living without *artha*. Like the summer pond a man dispossessed of the waters of *artha* becomes unfit for anything in the world. A man of wealth is alone the person to reckon with. Wealth is both a friend and a relative. Happiness and anger, learning and conduct originate from this. The progress of society and welfare depends on this. It is a never-failing current of deep waters.[3] Thus it becomes clear that there are two schools of Indian thought, one taking *dharma* as a

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[1] लोकप्रसिद्धा: त्रय: पुरुषार्थी: । तेषु सर्वमूलत्वादितरयो: सायाय-वाञ्च धर्म एत्राश्रयणीय इति स्थापितं भवति । (*Ayōdhya Kāṇḍa*, xxi. 65.)

[2] यरय त्रिवर्गशून्यानि दिनान्रियान्ति देहिन: ।

स लोहकार भक्षेव श्वसन्नपि न जीवति ॥ (viii. 37.)

[3] *Sānti Parva*, chap. viii. 11 ff.

paramount factor, and the other *artha* or wealth but without prejudice to *dharma*.

In the same way Tamil literature which has not unfortunately any set treatise on the science and art of polity contains certain texts which can be gathered by careful reading. Thus, in the *Puranānū u*,[1] *artha* and *kāma* take their source in *dharma*. Hence without the latter there will be no real enjoyment by means of wealth. According to the author of *Tiru Kōvaiyar* wealth is so important that even sages and kings cannot get on without it.[2] Tirumangai Alvār agrees with this opinion. Here *artha* is said to be of capital importance, inasmuch as it forms the means for the attainment of *dharma* and *kāma*. This same idea finds expression in *Nāladiyār*.[3]

Apart from these scattered references there is the *Tirukkural* of Tiruvalluvar which is a treatise on these three objects of life; hence the work is known as *muppāl*, a synonym for *trivarga*, given by Sīttalai Sāttanār, the famous poet.[4] The three divisions of the poem are அறம், பொருள், இன்பம். Parimēlalakar, the celebrated commentator of this great treatise, explains briefly what these terms connote. According to him 'aram' is to carry out what has been ordained by Manu and other law-givers, and to refrain from what has been

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[1] சிறப்புடை மரபிற் பொருளு மின்பமு
மறத்து வழிப்படீஉஉ.ச் தோற்றம் போல (31).

[2] முனிவரு மன்வரு முன்இடவெபொன்னுக் முடியும். (*Tirukōvai*, 332.)

ஆராயிற்தரே அறம்பொருளி ன்பமெொன்ற
ஆரி இவற்றி விடையெதௌா எம்துளார்
சீரா சிருதல்லயும் எம்துளரி.

(Tirumangai Ālvār in the *Siriya Tirumadal*, 3-4.)

[3] ஃடிவிலா வையத்து மன்னிய மூன்றின்
கஃவன தெய்ப திருதல்லபு செய்தக். (114)

[4] பருமைற தேர் எக்குளார் முப்பாஃ்.

prohibited by them.   He classifies this into three parts :
ஒழுக்கம், வழக்கு, தண்டம் which exactly correspond to
āchāra, vyavahāra, and *prāyaschitta,* of Sanskrit lore.
The first is the observance of *sādhāraṇa dharma* (common)
including *svadharma.*   This latter is very important inas-
much as it enforces the responsibilities of the individual.
This is the individual whom, as Miss Follet the author
of the *New State* remarks, the   modern state has
not yet found.   The second (or *vyavahāra*) consti-
tutes eighteen different kinds such as borrowing,
deposit, etc.   This is the right of person and property.
The third sub-division is *daṇḍa* which concerns those
who stray beyond the beaten track of *āchāra,* as *āchāra*
and *vyavahāra* belong to the category of positive law.
Tiruvaḷḷuvar has taken only the first sub-division
ஒழுக்கம் under his main division of 'aram'.   Here
are examined the duties common to all classes of
society, the observance of which would result in happy
home-life and ultimate release from re-birth.   Among
these universal *dharmas* figure prominently *dāna* (gifts)
and *tava* (penance).[1]   After dealing with *aram* or *dharma*
in 318 stanzas, the poet takes up the second *purushārtha*
(பொருள்) which is expounded in 700 verses.   Here is
examined *Rāja Nīti,* the essence of which constitutes
protection and administration of the state.   This is again
sub-divided into three sections அரசியில் (nature of
government), அங்கவியில் (organs of government), ஒழிபி
யில் (other features of government).   The last divi-
sion of this treatise contains 250 stanzas which deal with
kāma or normal enjoyments in life.   To realize this,
wealth is a necessary factor.   This is again sub-divided
into two sections (களவியில்) pre-nuptial love and

(கற்பியில்) post-nuptial love. It is interesting how Valluvar has closely followed the *Smṛtis* like Manu as clearly explained by Parimēlaḷagar in his great commentary. It is said that the three kings of the Tamil land, the Pāṇḍya, the Chōla and the Chēra drew much real information from the pages of this treatise and carried on their administration along the lines laid down therein.

Thus from a study of both the extant Sanskrit and Tamil literature it is clear that these three aims of life are inter-dependent and each by itself cannot stand by itself alone. Kālidāsa in his inimitable style says चतुर्वर्गफलंज्ञानं.[1] This *chaturvarga* includes the fourth end, namely, *mokṣa* to which reference has already been made. The *Amara Kōsa* says [2] these three ends, it has been realized, cannot be separated if life were to sail smoothly on the waters of this world-ocean. In order that these may flourish unhampered there must be an efficient exercise of *daṇḍa* and this, to be effective, must be administered with unflinching righteousness. Else as it is stated in the famous historical play *Mudrā-Rākshasa*,[3] *durnaya* or evil policy would root out the principles of *trivarga*. Thus if the plant of *trivarga* is to grow unfettered and luxuriant, the state must pursue a righteous policy. On the state alone depends the successful prosecution of the three ends of life. This was clearly felt by the ancient Hindus and the superstructure of these objects of life was made deliberately to rest upon the solid rock of the state pledged to pursue righteousness at all times and in all places.

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[1] *Raghu*, x. 22.

[2] त्रिवर्गो धर्मकामार्थः चतुर्वर्गः समोक्षकैः

उन्मूलयितमोक्षोऽहं त्रिवर्गमिव दुर्नयः ।   Act. v. 22.

Sec. v. SOCIAL ORGANIZATION

It was further realized that the state alone was not enough to attain the three aims of life. It required an efficient social organization as well. It would appear from the scanty evidence available at present that people lived originally in groups or tribes, and as time went on, the necessity for defence and the increase of numbers led to amalgamation among tribes and the introduction of a civil order of society. When people once realized the necessity for an organized society they set about framing codes and regulations which were binding upon the members of the society. To keep it progressive the social order was based on the double division in the four castes and the four orders (or the stages of life). It was a system of social polity known by the term *varṇāśrama dharma*. Whatever may be the suitability or otherwise of these institutions to modern times, they served their purpose very well for several centuries. This was because the system was based on well-grounded scientific and economic principles. The four classes included first the group of philosophers and teachers; secondly the group of rulers and warriors; thirdly the group of agriculturists and traders, and lastly the group of men engaged in different menial services. It was realized that real progress lay in hereditary professions and it was considered wrong for members of one community to encroach on the functions of another. *Daṇḍa nīti* came forward with restraints and restrictions which could keep society going. The new society evolved, according to necessity, laws which became fixed. Life in society further involved the principle that every member should conduct himself according to the law established. The ideal preached was 'better to

observe one's own *dharma* though devoid of good qualities than adopt that of others. Better to die in following one's own *dharma* for the *dharma* of another is fraught with fear.'[1]

It would be interesting to make an investigation into the origin of the four classes into which society was divided. Without taking up a detailed discussion, it would not be out of place to mention a few outstanding facts. According to the passage which occurs in the *Puruṣa Sūkta*, the four castes, Brahamaṇa, Kṣatriya, Vaiśya and Śūdra constituted the face, arms, thighs and feet respectively of *Puruṣa*. We have the authority of Dr. Martin Haug to regard it as an old hymn and not a late interpolation. Besides Professors Macdonnel and Keith remark: ' It seems certain that in the *Rig Veda* this Brahman is already a separate caste differing from the warrior and the agricultural classes.'[2] Thus there is evidence to show the existence of different classes in very ancient times. This is corroborated by the evidence of the Persian sources like the *Zend Avesta*.

There is again a passage in the *Śatapatha Brāhmaṇa* which throws some side-light on the question of the origin of castes. Prajāpati created Brahma with *Bhūḥ*, Kṣatra with *Bhuvaḥ* and Viś with *Svaḥ*. Professor K. Sundararama Aiyar explains this passage following *Śrī Śankara Bhāshya* on a similar passage that occurs in the *Taittirīya Brāhmaṇa*.[3] स भूरिति व्याहरन्स भूमिमसृजत । That

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[1] श्रेयान्स्वधर्मो विगुणः परधर्मात्स्वनुष्ठितात् ।

स्वधर्मे निधनं श्रेयः परधर्मो भयावहः ॥ (*Bhagavat Gīta*, iii. 35.)

[2] *Vedic Index*, vol. ii, p. 81.

[3] भूरिति वै प्रजापतिर्ब्रह्माजनयत् ; भुव इति क्षत्रं ; स्वरिति विशम् ॥

is, ' the earth was created by Brahma after the word *Bhū*
became manifest in his mind.' In the same way the pass-
age in the *Satapatha Brāhmana* means that they were
created by Prajāpati after these words (*Bhū*, etc.) became
manifest in his mind, and so they can be said to have
sprung from both Prajāpati and from *Bhūḥ*, etc., or from
either.[1]

Whether this social system is to be attributed to divine
creation or human, no one can possibly say. To a
student of history who is engaged in studying only insti-
tutions of administrative importance this is immaterial.

Here we are concerned with the divisions and the
orders that existed. Though the unfailing source of
undated history which is tradition asserts that society
came into being accompanied by these four divisions or
communities of people yet it cannot be denied that caste
arose long after the creation of man. With the esta-
blishment of this fourfold classification, to keep up
orderliness in society and to preserve harmony, the
seers and sages of old framed codes and laws en-
joining on the particular classes to follow their
svadharma. This conception of *svadharma* is a sound
economic principle judged by modern notions of econo-
mic science. It at once knocks on the head the current
principles of individual freedom, the struggle for existence,
and the survival of the fittest. Ancient India had never
to face these serious problems staring us now in the face.
By healthy conventions, India solved these problems.
Every individual was made to realize his responsibility
and duty to himself, his family, community, state and
ultimately to God. He is born in this broad world with
three debts, duty to the elders or departed ones (पितृऋणं),
duty to the sages and seers (ऋषि ऋणं) and duty to God

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[1] *Vēdānta : Its Ethical Aspect*, p. 268.

(द्वेऋऋणं). He must absolve himself of these three debts if his aim is the liberation of his soul by means of supreme knowledge (ज्ञानं). The first step is *karma* or *dharma*, transgression of which would lead to serious consequences. In the *Mokṣadharma* portion of the *Śānti Parvan* it is said[1] ' animated by lustful enjoyments, devoid of commisseration, full of passion and wrath, and fond of daring, adventure and departed from *svadharma*, the Brahmans acquired the quality of the Kṣatriyas.' Again those Brahmans[2] who take to agriculture and cattle rearing and do not attend to their proper duties acquire the quality of the Vaiśyas.' And yet again those who indulge in cruelty and untruth,[3] are avaricious, and take to all sorts of livelihood, full of *tamas* quality, and are fallen from the righteous path, acquire the quality of Sudras.'

From this one can easily understand how even professions or *vṛttis* were fixed by birth in a caste or a community. But this was not a hard and fast rule. There was the exception so far as the *vṛtti* was concerned. Here we must guard against confounding the principles of *svadharma* with *vṛtti*. Though the latter finds a place in the category of *svadharma* yet it was not absolutely insisted upon. For *svadharma* refers to religious

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[1] कामभोगप्रिया: तीक्ष्णा: क्रोधना: प्रियसाहसा: ।

व्यक्तस्वधर्मो रक्ताङ्गा: ते द्विजा: क्षत्रतांगता: ॥ (186. 11.)

[2] गोभ्यो वृत्तिं समास्थाय पोता: कृष्युपजीविन: ।

स्वधर्मान्नानुतिष्ठन्ति ते द्विजा: वैश्यतांगता: ॥ (*Ibid.*, 12.)

[3] हिंसानृतप्रिया लुब्धा: सर्वकर्मोपजीविन: ।

कृष्णा:शौचपरिभ्रष्टा: तेद्विजा: शूद्रतांगता: ॥ (*Ibid.*, 13.)

functions, the various penances, and miscellaneous rites and ceremonies. But *vṛtti* refers to the worldly affairs of earning a livelihood. Sukra says[1] that the tilling of the soil by the Brahmans has been recommended by Manu and other teachers. Again in the *Sānti Pa van* of the *Mahābhārata*, in case of distress and for the sake of livelihood, a Brahman can live by taking to the profession of a Kṣatriya and even a Vaiśya.[2]

Again when thieves abound in large numbers, and when respect to authority wanes and the intermixture of caste results, all the classes are entitled to take up arms in defence.[3] A Brahman can take up arms on three occasions : for self-defence, for protection from dangerous and wicked men, and when he is robbed of his property.[4] Also it is said, ' He who would serve as the shore on the shoreless place and as a boat in the boatless place is always entitled to respect whether he be a Śudra or any other.'[5] The idea contained herein shows that the ancients did not attach much importance to the so-called superiority of certain castes. Here the position accorded to the Śudra must make one concede how catholic and how elastic the social system was as it was worked in ancient India.

Hindu society was an organism by itself. It came into being to meet social and economic needs. In the physical body there are several cells and the difference between these cells is mainly in function, which is

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[1] iv. iii. 19.

[2] अशक्तः क्षत्रधर्मेण वैश्यधर्मेण वर्तेत ।

कृषिं गोरक्ष्यमास्थाय व्यसने वृत्तिसंक्षये ॥ (lxxviii. 2.)

[3] *Ibid.*, 18.　　　　　　　　[4] *Ibid.*, 34.

[5] अगारे यो भवेत् पारमप्लवे य प्लवो भवेत् ।

शूद्रोवा यदि वाऽप्यन्यः सर्वथा मानं अर्हति ॥ (lxviii. 38.)

absolutely necessary for the life of organisms. The body-politic may thus be regarded as composed of individuals in various stages of evolution doing their respective duties and yet enjoying freedom. Thus we may realize the Sudra class as the pedestal of the body politic, but for which the head (Brahmans), the hands (the Kṣatriyas), the thighs (the Vaiśyas), would not only be ineffective for the functioning of society as a whole, but would also be incapable of performing their own functions to the best advantage. Dispute, discontent and despair would be the consequence. But if every member of this organism is powerful enough to function in its respective sphere, all of them would be interdependent and society would go on. ' Therefore nothing is too high, nothing too low, for all are equally suffused saturated and transfigured by the one life which alone makes for righteousness.' Hence the institution of the four *varṇas* has been based upon the latter's *guṇa* or essential nature and quality, and their respective *karma* or social function. In the order of the *āśramas* lies the condition needed for the enabling of the individual to perform efficiently his duties to self, to the family, to the community and to God, and thus to achieve the happy solution of this universal social problem which even modern democracy is unable to tackle successfuly. Thus the conception of society as an organism, a new product of western science, is the basic truth taught in the sacred books of the ancient Hindus.

The conception of an organism involves, above all, two things: first organs, and then the purpose which these serve. We have already said that the four *varṇas* are the four important organs of the body, head, hand, thighs and feet. Their respective purposiveness

is the next question that needs to be answered. To a question put by Yudhiṣṭhira, Bhīṣma answers : ‘The duties common to all classes of people are control of temper, love of truth, complete impartiality, all round purity of mind and body, absence of ingratitude, earning only for livelihood, and the maintenance of servants.’[1]   For the Brahmans the duties are,[2] in addition to the practice of self-control, the earning of a livelihood by following his own caste profession and entering into a dharmic marriage and obtaining a son, the following six : namely, learning and teaching, giving and receiving gifts, performing sacrifices for themselves and for others.   For the Kṣatriyas[3] gifts of wealth to the deserving, non-acceptance of gifts, performance of *yajñas*, study of the Vedas, but not the teaching of them, protection of the subjects, constant vigilance in putting down the wicked, prowess in war, killing the evil-minded, protection of the people in their *svadharma* are the duties.   The duties of the Vaiśyas[4] are gifts, study of the Vedas, performance of the *yajñas*, purity of mind in earning wealth, agriculture, rearing of cattle, trade and commerce, etc.   The *Śudradharma*[5] is the service of these three classes, spending wealth in religious works, receiving gifts of clothes, money, and other presents in return for their services.   To a childless and deceased Śudra his master must perform the obse-

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[1] अक्रोधः सत्यवचनं संविभागश्च सर्वशः ।

प्रजनं स्वेषु दारेषु शौचमद्रोह एवच ॥

आर्जवं भृत्यभरणं त एते सार्ववर्णिकाः ।

(*Śānti Parvan*, lix. 9 and 10.)

[2] *Ibid.*, 11–14.   [3] *Ibid.*, 15–22.

[4] *Ibid.*, 23–29.   [5] *Ibid.*, 30–39.

quies and rites. The disabled and the old must be protected. Again the Sudra can perform *yajñas* called पाकयज्ञ.[1] If he is poor and cannot find the wherewithal to do the *yajña*, and if he sticks to his *svadharma* he is entitled to a share of the spiritual benefits accruing from the performance of *yajñas* by the other three classes. The discussion ends with a thought-provoking stanza[2] which says :

As out of the one letter (अ), came out the three Vedas, the Rig, Yajus and Sāman, the three *varṇas*, Kṣatriyas, Vaiśyas and Śudras came out of the one Brahmaṇa. For as the commentator puts it ब्रह्मैव ब्राह्मण: ज्ञात: ।; the creator himself became the Brahmaṇa. Out of him then sprang the other three who by *dharma* (ऋज्ञव: by meaning साधव:), and by the tie of relationship (ज्ञातिवर्णां:), are related to the Brahmaṇa,[2] but with a change of form or nature so as to prevent monopolism or rivalry, the inevitable concomitance of modern individualistic organization, thus ultimately ensuring an orderly progress. In this one *śloka* one can read the various aspects of the theory of social organism, the correlation of the structure, and the functions of various organs, or limbs of the society.[3]

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[1] *Ibid.*, 41 ff.

[2] तस्मात्वर्णां ऋजवो ज्ञातिवर्णां:
संसृज्यन्ते तस्य विकार एव ।
एकं साम यजुरेकमृगेका ।
विप्रश्चैको निश्चयं तेषु सृष्ट: । (*Śānti Parvan*, lix. 50.)

[3] *Śānti Parvan*, pp. 98–99 (Kumbakonam edition).

There are other passages in the same chapter which deserve careful perusal. The social position accorded to the Śudras in ancient times, is at present much misunderstood. He was a kinsman by blood (ज्ञातिसाम्यं)

So far the *varṇas*. The *āśramas* or stages of
life are for the Brahman four : *brahmacharya*, *gṛhastha*,
vānaprastha and *sanyāsa* ; for the Kṣatriya three (other
than *Sanyāsa*) ; for the Vaiśya two (excluding *vānaprastha*
and *sanyāsa*) ; and for the Śudra only one, i.e. *g. hastha*.[1]
An elaborate study of this is made in chapter lx of
the *Rāja Dharma* portion of the *Mahābhārata*. The
first is a course of education and discipline. The
student is expected to undergo a life of celibacy and
austerity under the immediate and continuous guidance
of a patriarchal *guru* or teacher.   It is a life of discipline
and purity.   It prepares the student to squarely face
the struggling world of *saṁsāra*—household, family, and
children.   Formation of character, building up of a
robust body and acquisition of sound educational qualifi-
cations are then the results of the first *āśrama*.   Ancient
India would count with pride a number of life—*brahma-
chārins* devoted to the welfare of the common people, at
the sacrifice of their very selves. ˙ Some of them are
the great Bhīṣmāchārya, the grandsire of the Kauravas,
Hanumān the wisest sage and the heroic warrior rolled

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as well as by cultural relationship (धर्मसाम्यं) to the Brahman like the
Kṣatriya or the Vaiśya. The Śudra is entitled to perform *pāka-yajñas*,
and the name of Paijāvāna or Pailavāna is mentioned as the great member of
the Śudra community who performed these sacrifices and gave as *dakshina*
one lakh of *pūrṇapātras*. *Śānti Parvan*, lix. 40-42. The learned commentator
writes स वेदहीनाऽपि प्राजापत्यः प्रजापतिदेवताकः । Also सर्वेषां वर्णानां
ब्राह्मणजत्वादस्येव शूद्रस्यापि यज्ञे अधिकार इत्यर्थः । These bear out elo-
quently the fact that the Śudra was as much an Aryan as the Brahman and
if these facts could be accepted there need be no hesitation in concluding
that the Dravidian race as distinct from the Aryan is a myth.

[1] *Śānti Parvan*, commentary on *v.* 2, chap. lix.

चान्वग्वर्णस्य ये आश्रमाः ब्राह्मणस्य चत्वार आश्रमाः, क्षत्रियस्य त्रयो,
वैश्यस्य द्वौ, शूद्रस्यैक इति ।

into one, the minister of Sugrīva and devoted to Rāma, and Raikva of the *Chandogya*, the embodiment of purity and virtue, shedding spiritual lustre all round.

The *grhastha* is said to be the key-stone of the social arch and the housewife (गृहिणी) as the main-stay of *dharma*, the life and soul of *sat-karma* and *sadāchāra*. The house-holder enjoys wealth (*artha*) and desire (*kāma*), and adopts life (*pravrttimārga*) not with the fever of ambition to scramble for gold, but with a good conception of duty (*dharma*) and ultimate release (*mokṣa*) as the ideal. He has to look upon wealth as a trust. He keeps an open door for the guests. He performs daily the five sacrifices *pañcha-mahā-yajña*) to redeem himself from the debts he owes to his ancestors, sages and the gods. There are prohibitory injunctions for dressing, sleeping, marrying and living. He is to observe the various purifying ceremonies (*saṁskāras*) enjoined on him by the *Śāstras*. Women are the very queens of the household and are to be duly honoured; without honouring them, says Manu, one could not increase the prosperity of the family. If women grieve under any difficulty the family itself perishes.[1] This is proof positive to show how it is a mistake to regard that women in ancient India held a low position in the social scale. To call it slavery is, an illusion, born of prejudice rather than of ignorance.

The next *āśrama* is the *vānaprastha* when the house-holder grown old leaves for the forest with his wife to perform penances preparatory to the next stage of life, the *sanyāsa*. In this last stage he completely abandons the

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[1] पितृभिर्भ्रातृभिश्चैताः पतिभिर्देवरैस्तथा ।

पूज्या भूषयितव्याश्च बहुकल्याणमीप्सुभिः ॥ (Manu, iii. 55 ff.)
Cf. *Matsya Purāṇa*, chap. 214. 21-22.

joys and pleasures and even sorrows of the world, and leads a life of complete renunciation tending to *mokṣa* or salvation, the last *purushārtha* which is the supreme end of life. That this was in practice in ancient India is in evidence in the extant sacred books of the Hindus. The ancient sages and seers thus established what we can now regard as a well ordered life, by means of which the *purushārthas* may be realized. It was a living principle and had a special meaning and purpose. According to Dr. Ananda Coomarasvāmi ' What nevertheless remains as the most conspicuous special character of the Indian culture is its purposive organization of the society in harmony with a definite conception of the meaning and ultimate purpose of life. ' What distinguishes the Indian social structure from western society is the pluralism of the group, intermediate between the state and the individual. The advantage of the Indian division lies in the fact that it finds it possible to absorb the activity of the individual in different forms of social grouping, the individual merging himself in the general will of the state.

Thus the system aims at unity in diversity. This ancient edifice of the Hindu society is in striking contrast to the social organizations of the West where change and readiness to change are the distinguishing characteristics which are the root cause of all social and economic discontent such as unemployment, and strikes, To-day we see there various efforts at social organization such as socialism, syndicalism, bolshevism, anarchism, etc.[1]   All these movements have a common aim, namely, abolition of power and privilege. The economic doctrines of capital and labour are condemned, and

[1] Bertrand Russel's *Roads to Freedom* gives a clear idea of these efforts.

communal ownership of land and capital is generally aimed at. Society in the West at present is practically constituted of two classes, the capitalists and the labourers. The former with their increasing mountains of wealth feel as discontented as the latter who sweat for a few farthings. This has not unnaturally led to class war and an atmosphere of discontent everywhere.

Any observant student of the history of ancient India, and, for the matter of that, modern India up to the close of the last century, will testify to the elements of permanence and orderly movement as the sustaining principles of Hindu society as compared with the restlessness of western society and its perpetual want of equilibrium. The two characteristic features that mark modern society are the struggle for existence and an unhealthy competition. But it was economic democracy that distinguished ancient society from the modern. To preserve caste life and orders whose value has been recognized by such well-meaning friends like Sir Henry Cotton and Sir George Birdwood, the *Rājadharma* acted as the check and the goad. In the absence of the *kṣatriya-dharma* it is said that all science and all the *dharmas* of caste and orders become ruined.[1] This excellent idea is also expressed with the same vigor and force in the Tamil classic, the *Kuṟal*.[2]

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[1] मन्नेत्तयो दण्डनीती हतायां

सर्वे धर्माः प्रक्षयेयुर्विरुद्धाः ।

सर्वे धर्माश्चाश्रमाणां हताःस्युः

श्राते नष्टे राजधर्मे पुराणे ॥ (*Sānti Parvan*, lxii. 28.)

[2] ஆபயன் குன்றும் அறுதொழிலோர் நூல்மறப்பர் காவலன் காவான் எனின். (560).
See *Journal of Indian History*, vol. iii, pt. iii, the correspondence between Dr. L. D. Barnett and Dr. S. Krishnaswami Aiyangar and especially p. 153.

Kāmandaka strikes the same note when he says तस्याभावे धर्मनाश: तदभावे जगच्युति: । ii. 34. In commenting on this verse Sankarārya quotes तथाहि ' लोकधारणात् धर्म ' इति निरूच्यते । It may be pointed out here that this ' *loka-dhāraṇam* ' consists in warding off evils arising from five different sources—officials, robbers, enemies, king's relatives, and king's covetousness.[1] This action on the part of the state represented by the king is for the increase of *trivarga* (त्रिवर्गपरिवृद्धये). Not only the gathering of the revenues in the proper season, but also the spending of the same in proper time is insisted upon, and in this way it is said that the realization of the three ends (त्रिवर्गप्रतिपत्ति) is attained.[2]

Thus the *kṣatria-dharma* leads on to universal welfare (लोकहितं धर्मम्).[3] It is the *ādidharma* of every *yuga*. It keeps order in society and assures progress of the community.[4] It is Bhīṣma who says that *daṇḍa nīti* establishes the four castes in their *svadharma*.[5] But this could be effected only if the king were to be helped by the community at large. Indian social philosophers recognize state and society as distinct units but both complementary to each other and supplementary. Whenever society gets into distress the king must come forward to help. The people on the other hand must be aware of the usefulness and value of the *imperium* for their progress and welfare, and must help the authority whenever it runs into difficulties.[6]

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[1] Chap. v. 81–82.
[2] *Ibid.*, 86.
[3] *Śānti Parvan*, lxiii. 5 ff.
[4] *Ibid.*, lxiv. 24–26.
[5] *Ibid.*, lxix. 3.
[6] *Ibid.*, cxxx. 31–33.

Sec. vi. STATE AN ORGANISM

The conception underlying both Hindu society and Hindu state is that they are organisms. That a certain amount of organic unity also existed in their concept of the state is well attested by evidence. Kauṭalya speaks of organized state (प्रयत्नभूत) connoting the idea of the limbs of the state-body. It even demonstrates the fact of organic unity among these various limbs of government. The state is said to possess seven limbs (some translate as elements of sovereignty), each discharging its ordained function, all ultimately contributing to the welfare of the body-politic. The seven constituents of the state are the same whether they are found in the *Dharmaśāstra* or the *Arthaśāstra* literature. They are the king (*svāmin*), the minister (*amātya*), the territory (*janapada*), the fort (*durga*), the treasury (*kośa*), the army (*daṇḍa*), and the ally (*mitra*). Kauṭalya calls them *prakṛtis*.[1] The *Srīmulam Commentary* remarks परस्परं प्रकृष्टं उपकुर्वन्ति इति प्रकृतयः । It means

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[1] *Mbh.*, *Ādi*, 217, st. 5 ; *Śānti Parvan*, ch. lvi. 5 ; ch. lxviii. 7.

Prakṛti is a technical term in Hindu political literature used in different senses, the ministry, the subjects, the various sovereigns in war, or the constituent elements of a state. Kālidāsa uses it in the first sense, *Raghu.*, chap. xxii. 12). Here the celebrated commentator Mallinātha quotes Viśvā for that interpretation 'प्रकृतिः सहजे यानौ अमात्ये परमात्मनि' इति विश्वः । Sukra uses it in this sense in several places. Kālidāsa again uses the same term in the second sense, namely, subjects (*Raghu.*, viii. 18). In the third sense of sovereigns to be considered in time of war, Manu uses the term

एताः प्रकृतयो मूलं मण्डलस्य समासतः । (vii. 156.)

In this sense it is largely used. Among these seven again, the minister, the territory, fortresses, treasury and justice are called द्रव्यप्रकृतयः:, the very substratum of the state. *Svāmi* is the Lord of these five *dravyaprakṛtis*. *Svāmi* may be king or king's regent. The ministry are the councillors whose

that each contributes to the efficient functioning of the others.

Kāmandaka also speaks of the seven-limbed state.[1] It is said that if even one part is defective it would jeopardize the normal working of the state. To secure complete efficiency it is recommended to repair immediately the impaired parts (iv. 2). On this Śankarārya comments 'otherwise it would impede the work that could be done only collectively.' The same idea is expressed in the *Mānava Dharmaśāstra*.[2] Manu says that these limbs are so linked together as to form one single whole. It is compared to the three staves of a *sanyāsin*, well-knit together so as to form one single staff. Inter-related and inter-dependent each could not harm the other as such.[3]

To these Sukrāchārya adds a beautiful analogy.[4] The state is compared here to a tree of which the king is

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number varied. The territory consists of eight different kinds of which the *grāma* or the village was one. The fortresses also are of several kinds. The treasury consists of treasure, inferior metals, and precious stones. *Daṇḍa* is the four-fold army. The *mitra* is hereditary (*sahaja*), hostile (*kṛtrima*), and natural (*prākṛta mitra*) ; each helps the other in function and is inter-dependent like the three worlds and oceans, त्रिविष्ठ्धव्रूवत् (*Srīmulam Com.*, vol. ii, p. 224). (Kauṭalya speaks respectively of *prakṛti sampat* and *prakṛti vyasana* in Bk. vi, sec. 1, and Bk. viii, sec. 1. Here the nature and qualities of the elements of sovereignity as well as their difficulties and distresses are examined).

[1] Chap. iv. 1.

[2] Chap. ix. 294.   अन्यथा समुदाय साध्यं कार्यमतिपतेत ।

[3] Chap ix. 296.

अन्योन्यगुणवैशेष्यान्न किंचिदतिरिच्यते.

Yājñavalkya, chap. i. 353.

[4] राज्यवृक्षस्य नृपतिः मूलं स्कंधाश्च मंत्रिणः

शाखासेनाधिपाः सेनाः पल्लवाः कुसुमानिच ।

प्रजाः फलानि भभागाः बीजं भूमिः प्रकल्पिता ॥ (v. 12–13.)

the root, the ministry the trunk, the military offices the branches, the army the leaves and flowers, the people and territory the fruits and seeds respectively.

It is natural that any limb of the body-politic may become diseased. Sometimes the disease may be great and even incurable. Though the service of that particular organ is a necessity, still life must go on with the service, co-ordinate and conjoint, with the other parts. Kauṭalya, practical statesman as he is, gives expression to similar ideas

प्रकृत्यवयवानां तु व्यसनस्य विशेषतः ।

बहुभावोऽनुरागो वा सारो वा कार्यसाधकः ॥ (Bk. viii, sec. 1.)

This means every organ is composed of different parts. For example the *prakṛti daṇḍa* is composed of heredi-tary, hired and voluntary recruits or soldiers, whilst the treasury consists of precious gems, valuable metals and baser metals also. ' If a part or parts of one or more organs get into trouble, still the work will be accom-plished if that limb consists of several other parts which are really serviceable and possess good attributes.[1] Kauṭalya works up his idea further and remarks[2] that ' if two of the elements are equally hit by troubles still the project must be embarked upon, having distinguished both the progressive and the regressive states of things, provided the import of the rest of the elements is not well expressed. Again, ' If the *vyasana* or distress of a single organ would contribute to the ruin

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[1] The Śrīmulam commentator furnishes a new interpretation on this passage, *vide*, vol. iii, p. 10.

[2] द्वयोस्तु व्यसने तुल्ये विशेषो गुणतः क्षयात् ।

शेषप्रकृति साद्गुण्यं यदिस्यान्नाभिधेयकम् ॥ (Bk. viii, sec. 1.)

of all other organs of the state, then certainly that distress is serious, whether that element be important or no.'[1]

Thus it is clear that there are several organs differentiated in function, each contributing to the whole which is the well-being of the state.   The disease of the one may or may not affect the other parts of the system.   There are some diseases which affect the whole physical system, and others which deter the proper functioning of that particular organ.   In the same way Kauṭalya is of opinion that a certain part of these elements may or may not harm the progressive working of the state.   All these limbs are imperatively necessary for the satisfactory working of the state organism.   Though certain *aṅgas* are defective still the normal work could go on undisturbed.   It is for the practical statesman at the apex of the administration to judge of it as it deserves.   Thus with Sarkar we may say ' the organismic conception in Hindu *nīti* philosophy is not merely structural or anatomical, but also physiological in the sense that it is functional.   In giving currency to the *doctrine* of *saptāṅga* Hindu political philosophy does not popularize an arbitrarily strung system of seven categories.   It embodies really a psychological   attempt to conceive   and   classify   political   phenomena   in   their logical entirety.[2]

[1] शेषप्रकृतिनाशस्तु यत्रैकव्यसनाद भवेत्

व्यसनं तद्गरीयस्यात् प्रधानस्येतरस्यवा ॥ (Bk. viii, sec. 1.)

[2] *Positive Back-ground of Hindu Sociology*, Bk. ii, part 1, p. 39.

Kāmandaka speaks of a seven-limbed kingdom as ' सत्वबुद्धि व्यपाश्रयमृराज्यं.'   On this the commentator remarks ' सत्वं व्यसनेऽभ्युदयेच, यद्विकारकं, बुद्धि: शुश्रूषादिलक्षणा, तदुभयमाश्रयो राज्यस्य ताभ्यां प्राधान्येन लाभपालनयोगात्' ।   'A kingdom must be strong both in dis-

tress and in prosperity. Wisdom lies in helping each other. Their predominance by means of acquisition and protection makes the state prominent (i. 18-19). In commenting on the latter verse, Śankarārya remarks :

' राज्यं राजलं, यद् राजेत्याभिधानप्रत्ययो: प्रकृतिनिमित्तम् '

Ghoshal translates this ' *rājyam* ' kingship or kingly function which is used to signify the appellation and connotation of the term ' king '. On this he takes it that the category of seven elements implies the concept of sovereignty or government rather than state or kingdom. But Śankarārya explains why it is *rājya* or *rājatva*. The term *rāja* is well known. It demonstrates that the king is the most important of the constituent parts. It may mean the element of sovereignty elsewhere, but whenever it is mentioned in connection with a state it always refers to the constituent parts only. Ghoshal misinterprets this so as to suit his statement, that the Hindu political philosopher drew no line of demarcation between state and government.

Hindu Political Theories, pp. 84-85. *Rājatvam* means simply sovereignty or governmental sovereignty. And sovereignty is the chief characteristic of statehood. It is not government. For, government is ' the organization of the state, the machinery through which the state will is expressed.' If the Hindu philosophers have only realized government and not state, it surpasses one's comprehension how there could be any organized government without a state. There could be a government provided there was a properly organized state. Hence there is reason to believe that the political philosophers in Ancient India realized this fact and evolved the ideas of both state and government. As a matter of fact there are numerous examples of different forms of state such as monarchical, republican, etc. In the face of this to deny the existence of the state as separate from government is a mere allegation that has no evidence to support it.

CHAPTER II

THE CENTRAL ADMINISTRATION

I. General Principles

THE executive edifice in ancient India was strong and enduring. It was not complex in character. At its apex stood the king, the executive head who practically controlled the state. The king was not a mere ornamental figure but a true official guiding the destinies of the kingdom. A king is generally known by the expression *rājan*, *nṛpa*. The word *rājan* is derived from the root रञ्ज् to please—implying that a king makes his subjects always happy by ruling justly.[1] The other expression *nṛpa* is from नृप् पालयति, he who affords protection to his subjects. That this was an axiom traditionally acquiesced in is seen from an inscription of the Jain king, Kharavela (165 B.C.), and from a statement in the Buddhist canon ' *dhammēna parē rañjē-tīti kho Vāseṭṭha rāja,*[2] *rājā he evatatiyaṃ akkharaṃ Upanibbattaṃ.*

It would be interesting to discuss the origin of the institution of monarchy and consider whether it was hereditary or elective in character, and how far it was arbitrary or amenable to law. The origin of kingship in ancient India is shrouded in mystery. Various theories are advanced to substantiate differing points of view. The generally accepted theories are four and may be stated

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[1] रंजिताश्च प्रजाः सर्वास्तेन राजेति शब्दयते ।

(*Sānti Parvan*, lviii. 133.)

[2] *Dīgha Nikāya*, vol. iii, p. 93 (Aggañña Suttanta).

categorically : (1) divine origin, (2) origin in war, (3) the theory of contract, and (4) the theory of elective kingship.[1]

(i) THE THEORY OF DIVINE ORIGIN

Dr. Ghosal in his *Hindu Political Theories* may be regarded as a notable contributor to this subject without disparagement to other enthusiastic students, who are adding to our knowledge by unfolding the history of ancient India.

To begin with, the divine origin of kings was a common notion among the ancient peoples of the world. In a long chapter on the ' Evolution of kingship ', Dr. Narendranāth Law[2] critically reviews this subject especially on the basis of Sir James Frazer's *Golden Bough*, and comes to the conclusion that there had been an age of magic before religion evolved and that the evolution of the latter was due to the growing inefficacy of magic.   The belief was that in all Aryan countries the kings possessed magical or supernatural powers by which they could confer material benefit on their subjects.   Frazer refers among others to the verse of Manu[3] in speaking of the supernatural powers of the ancient Hindu kings.   Manu[4] says that even a baby king should not be disregarded under the impression that he is an ordinary mortal.   He is a deity though human in

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[1] *Hindu Polity*, part ii, pp. 3-15.

[2] *Ancient Indian Polity*, ch. viii and especially, pp. 112-13.

[3] यत्र वर्जयते राजा पापकृद्ध्यो धनागमम् ।

तत्र कालेन जायन्ते मानवा दीर्घजीविनः ॥

(*Manusaṁhitā*, ix. 246.)

[4] बालोऽपि नावमन्तव्यो मनुष्य इति भूमिपः ।

महती देवता ह्येषा नररूपेनतिष्ठति ॥ (vii. 8 ff.)

form. Thus there is the one theory that kingship grew out of magic.

The divine theory of kingship is commonly found in the law-books, the _Mahabharata_ and even some of the _Puranas_. Brahma created the king for protecting all creatures with justice.[1] We have already drawn attention to Manu's idea of kingship.[2] As the king is conceived to be a deity in human form, one must not incur his displeasure. His anger is fire that will burn all the family with its hoard. His law or orders, must not be transgressed lest the culprit be consumed by his wrath.[3] These views of the Law-giver more or less find mention in the _Santi Parvan_.[4] Here Bhisma speaks of the king as god Indra himself. The following is the substance of Bhisma's speech.

The consecration of the king is the first business of the state. Otherwise there will be trouble from undesirables. There will be anarchy. There is Vedic authority to regard the king as Indra himself. He must be honoured like Indra. In a kingless state there will be no _dharma_. If a king of a neighbouring state invades the kingless country, the people of the latter should not resist him but honour him duly. For the hand of protection of the king will tend towards the welfare of the state. If a superior king should become aggressive he would swallow the inferior powers. The cow that yields milk easily must not be put to trouble during milking. The tree that bends of itself need not be bent by artificial means. Hence the superior power must

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[1] दण्डप्रणयनार्थाय राजासृष्टः स्वयंभुवा ।

देवभागाननुपादाय सर्वभूतादि गुप्तये ॥ (_Matsyapurana_, ccxxvi. 1.)

[2] _Supra_, p. 57.   [3] Manu, vii. 8 ff.   [4] Ch. lxvii. 40 ff.

always be obeyed.   In a kingless state property or family will not be safe.   Even the wicked will not feel happy.   On this account the gods appointed a king.   In ancient days when anarchy was rampant the people made an agreement among themselves.   He must be abandoned who speaks bombastically, who is cruel in acts, is voluptuous and encroaches on other's property.   Sometime after, they approached Brahma, with prayerful respects, for a king.   Then Brahma ordered Manu to be the king.   The latter refused the offer saying that it would mean shoulder-ing heavy responsibility, and that an attempt to rule over the country which was full of the wicked and the untruthful would be a trying task.   On this the people entered into a contract by which they agreed to give him 1/50 of the cows, 1/50 of gold, 1/10 of grains, a beauti-ful maiden as queen and a bodyguard.   In return they asked for the destruction of their enemies so that they might lead quiet lives.   He agreed and with a great army set out for the conquest of all quarters.   His refulgence and prowess made the people tremble in fear and in consequence they followed their *svadharma*.[1]

It is said[2] that subjects must be loyal to the monarch as a student to his preceptor, and the gods to Indra, the lord of Heaven.   If a king's subjects be loyal his enemies would be afraid to insult him.   To insult the king is to insult the state with all its people.   Kings should be honoured with valuable presents.   The king must in his turn be true and faithful to his subjects and put on a smiling face and speak soft and sweet words to every one that approaches him.   These facts show in no uncertain terms that India did not develop a theocratic state as did mediæval Europe.

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[1] *Śānti Parvan*, cf. 66, *supra*, pp. 16-17.   [2] *Ibid.*, 86, 34 ff.

It would thus appear that the duty of the protection of subjects by a king is divinely ordained. This doctrine of the divine nature of the king was formulated, according to Dr. Ghosal, with the deliberate object of countering the tendencies inherent in the older theory of kingship.[1] The idea underlying this is that the monarch was the highest official, paid for his services like every other ordinary officer. To counter unhealthy tendencies the authors of the *Dharmaśāstras* and the *Arthaśāstras* contrived to hedge the king with divinity familiar with Hindu political theory.[2] According to Manu in a kingless state when anarchy became rampant a king was created by the divine will, for affording protection to all creatures, out of elements from Indra, Vāyu, Yama, Sun, Agni, Varuṇa, Moon, and Kubera.

The account of the origin of the king in chapter (lviii) of the *Śānti Parvan* is in keeping with the Vedic tradition found in the *Śatapatha Brāhmaṇa*.[3] In the latter the very Kṣatriya class (*rājanya*) is described as having a divine origin. The *Bṛhaddharma Purāṇa* mentions that the king assumes not the form of one deity, but the forms of five deities, and therefore, he must be above censure and reproach.[4] But, according to the *Mahābhārata*, a king becomes a king only after the ceremony of consecration by the subjects.[5] The Hindu concep-

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[1] *Hindu Political Theories*, p. 172.

[2] अराजके हि लोकेऽस्मिन् सर्वतो विद्रुते भयात् ।
रक्षामर्थस्य सर्वस्य राजानमसृजत्प्रभुः ॥
इन्द्रानिऌयमार्काणामग्नेश्च वरुणस्य च ।
चन्द्रवित्तेशयोश्चैव मात्रा निर्हृत्य शाश्वतीः ॥ (vii. 3, 4.)

[3] V. 3. 5. 4 and 1.5.14 ; *S. B. E.*, vol. xli.   [4] *Uttarakāṇḍa*, iii. 6-7.

[5] *Śānti Parvan*, lxvi. 2.

tion of the power of the king was, unlike the divine right of the Stuarts, the divinely ordained *duty* to afford protection to his subjects.[1] Pramathanath Banerjee thinks that only a righteous monarch was regarded as divine,[2] and notes that the king was not a *devata* but only a *naradevata* and seems to base his conclusion on the authority of Śukrāchārya who says that an unrighteous monarch is a demon.[3] But Dr. Ghosal cites the concluding verse of chap. lviii of *Śānti Parvan*, and argues that the king is equal (*tulya*) to a *devata* and not a mere *naradevata*,[4] adding the remark that Śukra's theory is peculiar to him and not shared by other Hindu writers. This remark implies that Śukra develops a polity of his own, or rather breaks away from the long continued Hindu tradition. Śukrāchārya has not sacrificed tradition in the least; on the other hand he has greatly amplified the political philosophy of his time. A king is after all a man, an ordinary human being. It is the ceremony of consecration which invests him with sovereign powers and duties, and so long as he maintains this position by the observance of rules laid down he is entitled to respect as a *devata*. He is not, therefore, *devata* in essence, but a *nara-devata*. He is *devata* in the sense that he awards *abhaya* to his subjects, the nature of this *abhaya* being protection from internal and

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[1] सर्वस्याऽस्य यथान्यायं कर्तव्यं परिरक्षणं ।

रक्षार्थमस्य सर्वस्य राजानमसृजत्प्रभुः ॥ (Manu, vii. 2 and 3.)

[2] *Public Administration in Ancient India*, p. 71; see Carmichael Lectures, 1918, pp. 126–27.   [3] Ch. i, *ślokas* 30–34.

[4] *Hindu Political Theories*, p. 183.

ततोऽजगति राजेन्द्र सततं शङ्कितं बुधैः ।

देवाश्च नरदेवाश्च तुल्या इति विशांपते ॥ (ch. lviii. 183.)

external enemies of the state. It is not, however, the eternal *abhaya* of the Lord, for it is said that a weak monarch who is also a *naradevata*[1] must succumb before a powerful conqueror. Otherwise the consequences will be the harassing of his subjects and the plunder of his territory. Unless we would perpetuate a hierarchy of weak *devatās* and strong *devatās*, these could not be said to be *devatās*. The theory that a king is a *devata* has no leg to stand on.

Origin in War

The second theory of the origin of kingship is the Vedic theory of origin in war.[2] To quote Mr. Jayaswal there was a contest between the *devas* and the *asuras*. The latter were victorious. The *devas* attributed their defeat to the fact that they had no king while the *asuras* had a king. Hence they resolved to elect one. All agreed. Jayaswal comments, 'if it had a historical reference it would refer to the tribal stage of the Aryans in India and it would suggest that the institution of kingship was borrowed from the Dravidians.'[3] This seems to point to a period of culture when people were still leading a tribal life and had not an organized form of government. The text of the *Aitarēya*

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[1] Such epithets are not peculiar to political literature. We often meet with expressions like राजसिंह and नरशादूल meaning, the lion among kings, and the tiger among men respectively.

[2] *Aitarēya Brāhmaṇa*, i. 14.

देवासुरा वा एषु लोकेषु समयतंत.........तांस्ततोऽसुरा अजयन्
.... देवा अनुवचराजतया वै नोजयंति राजानं करवामहा इति
तथेऽति ॥.

[3] *Hindu Polity*, pt. ii, pp. 4-5.

Brāhmaṇa suggests the theory that kingship originated in war. It may provide authority for the theory of election as well.

The Theory of Contract

Another theory of the origin of the institution of monarchy is the individualistic theory which prevailed in the West in the seventeenth and eighteenth centuries. It is well known as the theory of contract. According to it the relationship between the ruler and the ruled was contractual. Such contractual relations find unmistakable expression in the Buddhist canon. From here is traced the origin of human kingship, with its notion of agreement as the basis of the political order.

In this connection we cannot refrain from referring to the oft-quoted passage in the *Dīgha Nikāya*.[1] At first there was the original state of nature when everything was perfect and people lived in comfort. When decline began in the perfect state of innocence in nature, people assembled together to elect a king—a powerful individual from among them. He was called the Great Elect (*Mahāsammata*). A somewhat similar conception is seen in the *Mahāvastu Avadāna*.[2] These ideas correspond roughly to our modern conception of social contract. The idea of taxation and protection is involved here. Ghosal says that the Buddhist theory of contract virtually exists as an isolated phenomenon in the history of Hindu political thought.[3] We quote Jayaswal in reply. ' This theory of contractual monarchy found support in Vedic hymns and songs of royal

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[1] *Aggañña Suttanta*, vol. iii, p. 93, P. T. S. Edition.

[2] Senart's Ed., vol. i, pp. 347-48.

[3] Vide *Hindu Political Theories*, pp. 118 and 119; the *Mahāvaṁśa*, chap. ii, pp. 10-11.

election, in rituals of royal consecration which were based on elective principles, and in the coronation oath which made the king swear that he would rule according to law.'[1]

The notion then of taxation and protection underlying the Buddhist theory is not alien to Hindu literature. *Baudhāyana*[2] lays down that a king could claim one-sixth in the shape of tax and in return offer protection for the welfare of his subjects, and refers to the Brahmanical notion of the origin of kingship. The idea of compact is further seen from chapter lxvi of the *Sānti Parvan* and is postulated in the *Raghuvaṁsa*, i. 11 and 18. The *Arthaśāstra* of Kauṭalya states thus:

इन्द्रयमस्थानमेतत् राजानः प्रत्यक्षहेतुप्रसादाः । तान्
अवमन्यमानान् देवोऽपि दण्डः स्पृशति तस्मान्राजानो नावमन्तव्याः । (i. 9.)

This is commonly believed by scholars to explain the principle underlying the theory of divine origin. Kauṭalya no doubt invests the monarch with divine halo; his object clearly is not to ascribe a divine origin to the king but to describe his position in expressive terms.

If any comparison could be made with the views of the modern writers on political theory, then the theory of Hindu writers approaches closely that of Hobbes whilst that of the Buddhist canon resembles the theory of Locke.

Whatever may be the origin from which the institution of monarchy took its rise in ancient India, one fact is obvious: the elective principle plays an important part. Even where the character of monarchy is hereditary, the principle of election appears in one form or other. In the very ceremony of consecration we notice how the principle of election is an underlying factor. As a general rule

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monarchies were hereditary in India though the physical fitness of the succeeding monarch was an essential condition. Ancient India had two important lines of kings: the one of the solar race (सूर्यवंश) and the other of the lunar race (चंद्रवंश). The genealogy of these kings is found in all the Purāṇic texts which F. E. Pargiter has made an attempt to collate in his works *Ancient Indian Historical Tradition* and *Purāṇic Dynasties of the Kali Age*. Kālidāsa's *Raghuvaṁsa* shows how the principle of hereditary right was recognized and enforced. But still before the coronation, acquiescence of the *Prakṛti* (people) was a necessary factor of the utmost importance. That the notion of election is as old as the Vedic period is however clear. People assembled in what was known as the *samiti* to elect the king. There was to be no dissenting voice. The Vedic hymn of election is found in our oldest literature, the *Rig Veda Saṁhita* :

आवाहार्षमंतरेधि ध्रुवस्तिष्ठाविचाचलिः ।

विशस्त्वा सर्वी वांछंतु मा त्वद्राष्ट्रमधि भ्रशत् ॥ १ ॥

इहेवेधि मायच्योष्ठाः पर्वत इव विचाचलिः ।

इंद्र इवेह ध्रुवस्तिष्ठेह राष्ट्रमुधारय ॥ ३ ॥

ध्रुवं ध्रुवेण हविषाभिस्त्वोमं मृशामसि ।

अथोत इंद्रः केवलीर्विशो बलिह्रतस्करत् ॥ 6 ॥ (x. 173.)

More or less the same hymn occurs in the *Atharva Veda*.[1] According to the *Rig Veda Saṁhita*[2] the king was the sole taker of taxes and was offered a raised

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[1] vi. 87–88, quoted in *Hindu Polity*, part. ii, p. 7.   [2] x. 173. 6.

throne-seat. Jayaswal reads into this text an important interpretation, namely, that it signifies that the idea of state as an organism was realized even in Vedic days. The king's seat as the highest part in the body-politic is also seen in a text of the *Atharva Veda*.[1] From this

त्वां विशो वृणतां राज्याय त्वामिमाः प्रदिशः पञ्चदेवीः ।

वर्ष्मन् राष्ट्रस्य ककुदि श्रयस्व ततो न उग्रो विभजा वसूनि ॥ (iii. 4. 2.)

Jayaswal thinks that there was the re-election of a *Rāja* who had been banished from the state for misconduct or other sufficient reason. Whatever it may be, election of a monarch was a settled idea and prevailed side by side with the hereditary notions of monarchy.

In this connection is worth noting the acceptance and the possession by the king of an armlet called *maṇi* made of *palāśa* wood. According to the *Brāhmaṇas* these *maṇis* were presented by the 'king-makers', probably the higher officials of the state, namely, the ministers and the councillors. In the Buddhist work *Dīgha Nikāya*[2] there is an unmistakable reference to these *rājakartas* who belonged to the class of nobility. The jewel was also known by other names *parṇa*, *ratna*. Hence these king-makers went by the name *ratnins*. This was only a later introduction while in early Vedic times it was the custom for the king to receive this armlet from the folkmoot perhaps assembled on the great occasion of his election. Even workmen and artizans engaged in metallurgy and chariot-building had a right to take part in the proceedings of this popular assembly. On the receipt of this armlet from the folk assembled, the king made a speech in reply suitable to the occasion in which

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[1] *Hindu Polity*. part ii, pp. 8-9.

[2] *Mahāgovinda Suttanta*, vol. ii, p. 233 : *rāja kattāro bhavantaṃ Reṇuṃ rajje abhisiñceyyuṃ.*

he invoked the assistance of all the people for success-
fully manning the ship of the state.[1]   The term *viś*
refers to this institution of folkmoot.[2]   The re-election
of exiled princes and the deposition of existing monarchs[3]
were rights enjoyed by the commonalty of the realm.

Historical instances of the deposition of ruling princes
are not wanting.   The useless and unworthy Vena was
deposed and, what was more, executed.   The deposi-
tion of Richard II was due to similar reasons but he did
not meet the same fate as Vena.[4]

Examples again corresponding to the glorious Revo-
lution of 1688 are not unknown to Indian history.   There
are several cases in which the reigning king was expelled
and a new dynasty was founded by the general will of
the people.   When king Nāgadāsaka pursued the
path of *adharma* the anger of the people led not only to
his deposition, but to the condemnation of the whole of
his family as unfit to hold the reins of government.   On
this the Śiśunāga dynasty was established in B.C. 602.[5]
The same reason led to the dethronement of the royal
family of the Nandas in Magadha and the founding of
the Maurya dynasty by Kauṭalya and other responsi-
ble persons as could be gathered from the *Vāyu* and
Mātsya Purāṇas.[6]

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[1] *Atharva Veda*, iii. 5. 6–7.   [2] iii. 4. 6.
[3] *Atharva Veda*, vi. 8. 7.   [4] *Śānti Parvan*, lviii. 103–10.
[5] *Mahāvaṁśa*, chap. iv, p. 19.

[6] ततः प्रभृति राजानो भविष्या: शूद्रयोनय:

एकराट् स महापद्म एकच्छत्रो भविष्यति ।

सहस्रास्तत्सुना द्यष्टौ समा द्वादश तेनृपा: ।
महापद्मस्य पर्याये भविष्यन्ति नृपा: क्रमात् ॥

Another case of popular election[1] is that of Gopāla (*c.* 730–40) the son of a successful soldier who was asked by the people to accept the throne. Gopāla thus became the founder of the Pāla Empire of Bengal and Eastern India. This is what is meant by the following and other similar statements :

'Thy opponents shall call thee. Thy friends have chosen thee.'[2]

These demonstrate the fact that the office of the king was a creation of the people and the king held the throne conditionally, that is, under definite terms. Any violation of these agreed terms would lead to the banishment or deposition of the ruler. But this principle of election did not negative that of hereditary right. This was not interfered with except in extreme circumstances. The eldest son of king Nahuṣa turning an ascetic, his next brother Yayāti became the king. Dhṛtarāṣṭra being blind, Pāṇḍu his junior became the king. Bharata was installed the crown prince though Rāma was the eldest. Devāpi who suffered from skin disease was declared by the people as unfit to succeed as king, though his father the Kuru King Pratīpa wished for it. His second son Bāhlika having been adopted by his maternal uncle, became also unfit to be the legal heir. Hence the third

उद्धरिष्यति तान् सर्वान् कौटिल्यो वै द्विरष्टभिः ।

भुक्त्वा महीं वर्षशतं नन्देन्दुः स भविष्यति ॥

चन्द्रगुप्तं नृपं राज्ये कौटिल्यः स्थापयिष्यति ।

चतुर्विंशत्समा राजा चन्द्रगुप्तो भविष्यति ॥   (*Vāyu*, ch. 37. 321 ff.)

Bibliotheca Indica, vol. ii, p. 449.

Cf. *Mātsya*, ch. cclxxi. 18, 22 (*Ānandāśrama* series, p. 553), *Bhāgavata Purāṇa*, Bk. xii, ch. i.

[1] B. K. Sirkar, *Political Institutions*, p. 85.

[2] *Atharva Veda*, iii. 3, 5.

and the last, Santanu was elected king by the people.[1] The rule was that by legal authority the younger brother had no right of succession when there was the elder.[2] But there were exceptions to this rule.[3]   From the foregoing accounts of Pratīpa and others we can safely conclude that kings were legally powerless in the matter of deciding their successors.   They could, however, nominate one provided the nomination likely to be acceptable to the common will.

Professor Hopkins holds that physical defects were no serious bar to succession to the throne. We cannot follow the learned scholar. Dhṛtarāṣṭra's ruling the country for a short time after Pāṇḍu's death, and Bharata's being installed as the crown prince temporarily were inevitable, having been the result of causes beyond human control. As temporary measures people acquiesced in these arrangements. These would undoubtedly have met with vehement opposition from the public if these had been permanent measures.[4]

There is the other interesting question whether kings were elected for life or for a period of time. Kingship does not appear to have been limited in ancient India to any fixed period though such limitation was insisted on in other countries. Kingship was undoubtedly for

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[1] *Mahābhārata, Udyoga Parvan*, cxlix. 14–29.

[2] इक्ष्वाकूणां हि सर्वेषां राजा भवति पूर्वजः ।

पूर्वजेनावरः पुत्रो ज्यौष्ठो राज्येऽभिषिच्यते ॥

(*Rāmāyaṇa*, ii. 110. 34.)

[3] एवं उग्रष्टोऽप्यथोसिक्तो न राज्यंऽभिजायते ।

यत्रोयांसोपि जायन्ते राज्यं वृद्धोपसेवया ॥

(*Udyoga Parvan*, cxlix. 13.,

[4] *J.A.O.S.*, vol. xiii, pp. 143 and 144 ; see *Ancient Indian Polity*, pp. 58–59.

life. But a king might abdicate the throne voluntarily.[1]   Besides the theory of abdication in the *Kauṭalīya*, there is, in the *Mahāprasthānika Parvan* of the *Mahābhārata*, a practical instance of abdication where Yudhiṣṭhira abdicates in favour of Parīkṣit.[2] People did not at first consent to his abdication, but after much persuasion it commended itself to their approval. Then Yudhiṣṭhira, his brothers and Draupadī laid aside all royal ornaments and robes, and, dressing themselves in garments of fibre, started for the woods. Such abdications were usual in cases of extreme old age, or other physical disability, or because of a strong inclination for the performance of penance. Śīradhvaja Janaka, the father of Sīta and father-in-law of Rāma, went to the forest to do penance after relinquishing his throne. His is only one case among many who practised likewise. Otherwise there seem to have been no definite cases where the office of monarchy was fixed to any periodical limits.

But periodical interregnums seem to have been a feature of our ancient Indian governments. Kauṭalya says[3] let a kingless state be governed by a *kula*.   If not there would be the evil consequences of a state without a head, namely, anarchy. Again in the *Mahāvaṃsa*[4] after the death of the king of Lanka, Vijaya, the ministers took the reins of government for a period of one year till the nephew of the late king who was absent in India, was crowned king on his return.

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[1] *Arthaśāstra*, Bk. v. 6.   [2] *Mbh.*, Bk. xvii, ch. 1.

[3] कुलस्य वा भवेद्राज्यं कुल्संघो हि दुर्जयः ।

अराजकयसनाबाध: शम्बदावसति क्षितिम् ॥ (Bk., i, sec. 17.)

[4] Ch. viii, p. 62.

The character of ancient Indian monarchy was thus both hereditary and elective. It was elective in the sense that people acquiesced in the choice.[1] Thus choice by election worked not in conflict but in mutual harmony. We can call it a democratic monarchy because it was the *viś*, and then the *samiti*, and then the *rājakartās* that decided the validity or otherwise of the succession to monarchy. Even after election these exercised much influence over the conduct of the king. Each of them was a representative body of the whole people in the real sense of the term. It was democratic in the sense that people had real control over the conduct of the king and even exercised rights of exclusion. The *Atharva Veda* hymn already quoted[2] refers undoubtedly to the re-entertainment of an exiled king. When once the monarch had gone through the ceremony of consecration people felt it their duty to render unquestionable obedience to him. They paid him ungrudgingly the taxes due, and showed him the honours which one renders to a deity. Therefore the theory of the divine right that James I of England claimed was not in India pushed to extreme limits. People accepted divinity in a king so far as he conducted himself properly and in a constitutional manner in the affairs of state. It was for the people to respect him because he possessed that quality in him. It was not for the king, however, to abuse his right because it was accorded to him by general consent. There was thus an elasticity about the whole system. If the monarch proved to be absolute or despotic and therefore overruled the principle of protection, then the people entered an emphatic protest and asked him to redress their grievances. Failing this they rose in revolt and removed

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[1] *J. A. O. S.*, vol. xiii, p. 143. [2] *Supra*, p. 65.

him by force from his exalted position.   This fear made him rule according to the laws of the land while the anxiety of the people made them save themselves from robbers and enemies to render unquestionable obedience to him.

But the general impression still prevails that the ancient Indian monarchy was despotic in character.   It is a mere impression and does not rest on any valid foundation of fact.[1]   Distinguished savants like the late lamented Dr. V. A. Smith and Mr. S. M. Edwardes hold this opinion of early Indian kings.   How slender their basis of fact is, is in evidence from the following state-ments of the late Mr. Edwardes.   In the course of a letter to me dated March 17, 1926, Mr. Edwardes writes:—

' I am ready to admit that the Indian autocratic state of 300 B.C. when faced by grave financial embarrass-ments was forced to resort to practices which we should regard as tyrannous and unjustifiable.   This necessity arose from the fact that at that early date and in a state or congeries of states despotically ruled and only prevented from disruption by a very firm hand, the idea of patriot-ism, which now leads people voluntarily to support the government in emergencies was wholly non-existent.' We shall examine the financial aspects of Hindu adminis-tration in a subsequent chapter where we shall answer the question whether the ancient financial practices were tyrannous.   But what we are concerned with at pre-sent is the two assertions of the learned scholar, namely, that the Indian state was an autocracy ; and that the idea of patriotism was wholly non-existent.   Our legal and *Arthaśāstra* literature furnish various checks and balances

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[1] See *Public Administration in Ancient India*, p. 74. Dr. Banerjee points out that the idea of an autocratic (*svatantra*) ruler was not congenial to the Hindu mind ; also Carmichael Lectures, 1918, pp. 131–39.

imposed upon the central government of the country. In spite of them if a king would have recourse to high-handed measures, open revolt, deposition, and choice of another king were weapons ready to hand to fight a refractory monarch with. Under these circumstances he could not conduct himself as an autocrat in any manner. Despotic monarchs have ruled in all countries and the history of the world furnishes many a name of despotic kings. Notwithstanding the growth of political consciousness for centuries in European countries we cannot say we have got rid of autocracy completely. It might be now and then, that one monarch or another was despotic or autocratic. But such despotism or autocracy did not go unnoticed. Manu says explicitly, ' That foolish monarch who is arbitrary and tyrannous is soon got rid of and loses his life with that of all his relations. A king loses his life through the torturing of the kingdom as the life of an ordinary human being is ruined through torture of the physical body.' [1] Chandragupta, the first Maurya king, is characterized by historians as a despotic emperor with no evidence whatsoever.

It is strange that Dr. D. R. Bhandarkar who admits the existence of popular monarchy in the pre-Mauryan period points out to the absolutism of the Mauryas including Aśoka. He quotes the following in support of his theory : ' All men are my children and just as I

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[1] मोहाद्राजा स्वराष्ट्रियः कर्षयत्यनवेक्षया ।

सोऽचिराद्भ्रश्यते राज्याञ्जीविताञ्च सबान्धवः ॥

शरीरकर्षणात्प्राणाः क्षीयन्ते प्राणिनां यथा ।

तथाराज्ञामपि प्राणाः क्षीयन्ते राष्ट्रकर्षणात् ॥

(Manu, vii. 111 and 112.)

Cf. *Mbh.*, *Santi Parvan*, xcii. 8–10.

desire for my children that they may obtain every kind of welfare and happiness both in this and the next world, so do I desire for all men ' (Aśoka in the separate Kalinga Edicts).   This is said to agree with the *Artha-śāstra* where the relation of the king to his subjects is mentioned to be that of the father to his children.[1]

तान् पितेवानुगृह्णीयात् । (*Arthaśāstra*, ii. 1.)

The paternal conception of the king's duty that under-lies these notions is said to point to royal absolutism. This is further explained : ' Just as children are solely dependent upon their parents who can do with them just what they like, the subjects were at the mercy of the king who was thus no better than a despot.'   Surely we do not agree with the learned professor in his conclusion.   In our own view the passages in question warrant a contrary conclusion altogether.   They undoubtedly refer to the great interest which the Mauryan monarchs displayed in governing their kingdoms.   Rather they perfectly under-stood and realized the true conception of duty that devolved on them as the accredited guardians of the land. To compare the conduct of parents towards children as in any manner tyrannical or despotic is to disregard all the joy and peace of the family life which one ordinarily expects in the course of a normal life.   We regret to say that Dr. Bhandarkar is just begging the question and spins out a theory on a mere analogy.   It is com-monly conceded that Chandragupta carried on the government under the regulations laid down by Kauṭalya.   If the position of Dr. Bhandarkar were admitted Kauṭalya must have commended autocracy. As a matter of fact Kauṭalya is a great teacher of political morality.   He has not sacrificed principles to gain his

[1] *Aśoka* by Dr. Bhandarkar, p. 63,

objects. He is a follower of the established schools of law. What he has preached is only the *svadharma* of the Kṣatriya which could not be put to the test of modern ethical and moral standards. In judging a question which belongs to nearly twenty-three centuries ago we must take into consideration the practices and convictions that guided the people of those days. Again in India everything was *dharma*—moral and legal—provided it had the authority of either the Vedas or the Smṛtis—the latter being merely commentaries on the Vedas.

The fact was that the people felt the necessity for the office of the king to ensure their welfare; and the ruler equally felt that the subjects were as necessary for his prosperity.[1] This mutual understanding of both the people and the crown gave no occasion for the outbreak of civil wars which often disfigured the even course of history in other countries. Where would then be the room for the display of autocracy when there was no particular stimulus to call it into existence? An autocracy again could only be maintained by a strong king possessing a regular standing army. Hindu monarchy was not military but civil in character.[2] Their various

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[1] राजा प्रजानां प्रथमं शरीरं

प्रजाश्च राज्ञोऽप्रतिमं शरीरम् ।

राज्ञा विहीना न भवन्ति देशाः

देशैर्विहीना न नृपाः भवन्ति ॥

(*Śānti Parvan*, lxvii. 59.)

[2] नराधिपश्चाप्यनुशिष्यमेदिनीं

दमेन सत्येन च सौहृदेन ।

महद्भिरिष्ट्वा क्रतुभिर्महायशाः

त्रिविष्टपे स्थानमुपैति शाश्वतं ॥ (*Ibid.*, 61.)

wars were fought not out of earth-hunger, but for a higher principle, viz., the attainment of Indra's heaven.   Even Samudragupta was imbued[1] with this principle as can be proved from the evidence of his coins.

This was not a pious aphorism laid down by one king or another.   It was the ruling principle of every monarch.   The absence of militarism and the essentially civil character of the monarchy dominated by the paramount law was one of the reasons which gave a long lease of life to the Hindu state in general.   Thus with the law above and the *paura-jānapada*, the council, etc., by his side, the king could not dream of an autocratic form of administration.   Kautalya says the wrath of the people had led to the killing of the monarchs.

प्रायशः कोपवशाः राजानः प्रकृतिकोपैः हताः श्रूयन्ते ।

This means Kautalya had heard of cases wherein kings had fallen victims to the people's outburst of anger.   In the light of these observations if one could compare the interpretation given to the term despotism or absolutism in modern political parlance, 'what is meant by calling him (a monarch) "absolute" is that there is no established constitutional authority—no human authority that his subjects habitually obey as much as they obey him—which can legitimately resist him or call him to account ',[2] there need be no hesitation in accepting that the democratic principle of the welfare of the people underlay obviously the monarchical governments of ancient India.   The fact was that kingship

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[1] 'राजाधिराजा पृथ्वीम् अवजिय दिवं जयति अप्रतिवार्यवीरः '

Vide *Journal of Indian History*, vol. vi, part ii ; *Studies in Gupta History*, p. 32.

[2] Sidgwick, *Development of European Polity*, p. 10 (Macmillan & Co., 1903).

was a sacred trust and the king existed for the welfare of his subjects and not they for his welfare. The king-in-council must promote interests tending to the common good of the community.[1] The sacredness of the mutual trust led to united endeavours towards the material and moral progress of the community. The best type of a culture-state was almost realized under the Emperor Aśoka who belonged also to the 'vanished epochs' of Hindu India.

Another criticism offered is that the idea of patriotism was not a phenomenon realized in ancient India but is one entirely of modern growth. The statement is undoubtedly true of the Western countries where the idea of a state as a nation grew only very recently. In England the common sentiments of nationality were reckoned only after the Reformation. In other countries of Europe it was only a later idea of the eighteenth and nineteenth centuries. This was not so in ancient India, which had realized an organized state composed of organized nations long before the dawn of the historical period. The oneness of the country and the ideal of every monarch to make a *digvijaya* and achieve sole rule over the world extending from the Cape Comorin to the Himalayas indicate beyond doubt the existence of a strong national feeling in the country. Intercourse between the southern regions and the north of India was sufficiently frequent as is evident from the two epics the *Rāmāyaṇa* and the *Mahābhārata*, not to speak of other literature. Towards a common enemy all the nations of India, north and south, could be called to join arms.

[1] प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम् ।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम् ॥
(*Arthaśāstra*, Bk. i, sec. 19.)

Every ambitious conquering monarch was actuated by the legitimate aim of a *digvijaya*, a victorious progress through the country.[1] Evidence, literary and epigraphical, is not wanting to corroborate these statements as embodying a common feeling or general sentiment. What is patriotism if it is not the love of the native land! Here it was sung ages ago and it is still a common place among the people that[2] mother and motherland are greater than heaven itself. What a grand conception for a nation bent upon the ideals of *moksa* or heaven. The fact was the ideal of *moksa* was only one of the four *purushārthas*, and that, the ultimate. *Moksa* comes to those who have fulfilled three *purushārthas,*— *dharma, artha,* and *kāma*, properly and rightly. The conception of motherland being equal to the mother herself is a lofty ideal for a nation's progress. In the face of this testimony could we maintain that the ancient Hindus were devoid of patriotism?

(ii) TITLES AND GRADATIONS OF MONARCHY

In the *Rig Veda Samhita* we meet with the following titles of kingly power : *rājan, samrāj, adhirāj, ekarāj* and *virāj*. The *Amarakośa* explains the term *samrāt* as one[3] who has performed the *Rājasūya* sacrifice, who is the overlord of a *mandala*, and who has under his control, feudatory and mandatory ruling princes. The *Sukranīti* calls him a *samrāt* whose income

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[1] Kālidāsa describes the victorious tour of Raghu who attained the title of *samrāt* and performed the *visvajityajña* (*Raguvamśa*, ch. iv).

[2] जननी जन्मभूमिश्च खर्गादपि गरीयसी ।

[3] येनेष्टं राजसूयेन मण्डलस्येश्वरश्चयः ।

शास्ति यथाऽऽज्ञया राज्ञः स सम्राडऽथ राजकम् ॥   (ii. 9, ll. 5 and 6.)

ranges from one to ten crores of silver *karṣas*.[1] *Sāmrājya*
is a title higher than that of a *rājan*.   It often occurs in
Vedic texts[2] and connotes distinctly a grade superior to
that of an ordinary king.   The *adhirāja* is also another
superior title found in the texts.[3]   Professors Macdonell
and Keith interpret the term as overlord.   This over-
lordship must be undoubtedly over kings and princes of
the ordinary rank.   The learned professors further com-
ment[4] that they could not bring themselves to believe
that a real 'over king' existed taking the political condi-
tions of the times when great states were still in forma-
tion.   This is based on a mere assumption in the absence
of definite data.   The assumption may be right or wrong
but could hardly be accepted without authority.   This
 overkingship' or 'overlordship' was, however, a
factor to be reckoned with in the Vedic period.   The
states in themselves may be small and the extent of the
territory known may again be limited.   But still among
the known world of their days, one state might easily
have aspired to an *adhirājya*, another *samrājya* and the
third remain content with a *rājya*.   Or it may even, as
N. N. Law suggests, signify degrees of power or rank
among the kings created by the victories and defeats in
battles in which they engaged themselves frequently.[5]
Another early Vedic title of the king is *ekarāja*.[6]   This term
is a significant one and denotes literally an only king, sole
sovereign.   It demonstrates that there is no second ruler
over a particular circle.   This is further made clear from a
passage in the *Aitareya Brāhmaṇa*[7] where it is mentioned
' a ruler whose domains extend all over the earth from sea

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[1] i. 184–7.   [2] *R. V.*, iii. 55. 7 ; iv. 21. 2 ; vi. 27. 8 ; viii 19. 32.
[3] *R. V.*, x. 128. 9 ; *A. V.*, vi. 98 1 : ix. 10. 24.
[4] *Vedic Index*, vol. i, pp. 19–20.   [5] *Aspects of Polity*, p. 13.
[6] *R. V.*, viii. 37. 3 : *A.V.* iii. 4. 1.   [7] viii. 15.

to sea '. Aśoka was an *ekarāja* according to the *Mahāvamsa*. Weber who had occasion to explain this expression gives its meaning as a king over a *maṇḍala*.[1]   In the *Brāh-maṇas* we meet with the same and similar titles like the *mahārājya*, *rājādhirājya*, *parameṣṭhyā*, *ādhipatya*, *svāvaśya*, *atiṣṭhā*.   Some more are *bhoja*, *svarāja*, *virāja*.   Of these the *mahārāja* signifies a ruler over a large kingdom.[2] These numerous references to the term warrant the inference that the conception of a great kingdom was realized even in very early times.   The *Śatapatha Brāhmaṇa* has the following : ' Before the slaying of *Vṛtra* he was Indra it is true.   But after slaying *Vṛtra* he became Mahendra even as a *Rājan* or king becomes a *Mahārāja* after obtaining the victory.'[3]   That the later idea of large states is clearly anticipated in the epoch of the *Brāhmaṇas* is manifest.   The term *rājādhirāja* indi-cates a paramount sovereign.   The other titles mentioned are further examined by Professors Macdonell and Keith who are of opinion that these epithets of sovereigns embody a sound tradition.[4]

In this connection are worth noting other titles of sovereignty.   *Virāj* is a king who possesses great and distinguishing qualities.   Sāyanāchārya comments on the term *vairājyam* thus :

इतरेभ्यो भूपतिभ्यो वैशिष्ट्यं.

In the *Rig Veda Samhita* Indra is a *samrāṭ*, and, *Varuṇa*, a *svarāṭ*.[5]   It is contended that the titles of *pārameṣṭhyam*, *rājyam*, *mahārājyam* and *svāvaśyam* are

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[1] ' Über Die Konigsweihe, den Rājasuya ' in the *Abhandl. d. Königlich Prussischen Akademic der Wissenschaften Zu Berlin*, 1893, p. 141, n. 2, quoted by N. N. Law.

[2] *Ait. Br.*, vii. 34-9 ; *Kaus. Br.*, v. 5: *Sata. Br.*, i. 6. 4, 21 and ii. 5. 4, 9.

[3] Prof. Eggeling, i. 6. 4, 21 ; *S.B.E.*, vol. xii, p. 182.

[4] *Vedic Index*, vol. ii, p. 433.   [5] vii. 82. 2.

of the heaven world. But a close study of the inscriptions demonstrates that earthly monarchs bore most of these titles. Hence they were not titles exclusively applicable to monarchical rulers of the other world only. These once signified qualities and came later on to mean gradations depending on the annual income of the state or a king. For the *Sukraniti*, generally regarded to be a later work on Polity, has the following interesting gradation according to incomes. The titles of kings in order are

Sāmanta, 1 to 3 lakhs,

Maṇḍalika 4 to 10 lakhs,

Rājan 10 to 20 lakhs,

Mahārāja 21 to 50 lakhs,

Svarāj 51 to 100 lakhs,

Saṁrāj 1 to 10 crores,

Virāj 11 to 50 crores, and

Sārvabhauma above 51 crores.[1]

N. N. Law who has referred to this mentions also another later work *Varadātantra* from the *Śabdakalpadruma* where again a scale of income is given. Other epithets occurring in the inscriptions are : (1) *chakravartin* (the great emperor), (2) *parameśvara* (the great lord), (3) *paramabhaṭṭāraka* (the most supreme), (4) *mahā-*

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[1] सामन्तस्य नृपः प्रोक्तो यावल्लक्षत्रयावधि ।

तदूर्ध्वं दशलक्षान्तो नृपो मण्डलिकस्स्मृतः ॥

तदूर्ध्वंतु भवेद्राजा यावल्लिंशति लक्षकः ।

पञ्चाशल्लक्षपर्यन्तो महाराजः प्रकीर्तितः ॥

ततस्तु कोटिपर्यन्तो स्वराट् सम्राट् ततःपरं ।

दशकोटिमितो यावद्विराट् तु तदनंतरं ॥

पञ्चाशत्कोटिपर्यंतस्मार्वभौमस्ततःपरं । (*Sukra*, i. 184-7.)

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rājādhirāja (emperor of emperors), (5) *sārvabhauma* (the world-emperor), (6) *akhandabhūmipa* (the lord of all earth), (7) *rāja-rāja* (king of kings), (8) *viśvarāja* (the king of the circle), (9) *caturanteśa* (the lord of four quarters).

(iii) THE CONSECRATION CEREMONY

By celebrating the sacrifice of *rājasūya* one becomes a king and by the *vājapeya* an emperor (*samrāt*). And the office of the king is the lower and that of the emperor the higher.[1]   The *abhiṣeka* ceremony forms the central feature of the *rājasūya Yajña*.   The superiority of the *vājapeya* to the *rājasūya* is attested by the law-giver Kātyāyana.[2]   *Vājapeya* is not a political ceremony as the *rājasūya* is.   The *adhikārins* for its performance are members of the first two castes—the Brahmans and the Kṣatriyas.   But the *rājasūya* is intended for the Kṣatriyas alone as the *bṛhaspatisava* for the Brahmans.   According-ing to the *Taittirīya Saṁhitā* (v. 6. 2. 1) and the *Taittirīya Brāhmaṇa* (ii. 7. 6. 1) the *vājapeya* is a ' *samrāṭsava* ' or the ceremony of the consecration of a king to the imperial position.   And the *rājasūya* is a *varuṇasava* or the ceremony of the consecration of the universal sove-reignty of Varuṇa.   It would appear that the *vājapeya* and the *bṛhaspatisava* were ceremonies by which the *purohita* was installed and consecrated as the court-priest in its broader sense, while the *vājapeya* and the *rājasūya* are ceremonies by means of which the king gets consecration and attains paramount authority over a number of smaller and less powerful kings.

The *rājasūya* then is the inauguration ceremony of a monarch.   The *Śrauta Sūtras* elaborately describe a series of sacrificial rites to be performed during the

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[1] *Śat. Br.*, v. 1.1. 13 ; *S.B.E.*, vol. xlii, p. 4.   [2] xv. 1. 1-2.

sessions. The *sattras* or sessions of this *yajña* continue for a period of two years and three months. Continuing for such a long period this whole sacrifice could not but be complex in its nature and character. From this complexity one can envisage distinctly seven minor sacrifices —(1) the *pavitra*, (2) the *abhiṣechanīya*, (3) *daśapeya*, (4) *keśavapāniya*, (5) *vyuṣṭhi dvirātra (agniṣṭoma)*, (6) *vyuṣṭhi dvirātra (atirātra)* and (7) the *kṣatra dh iti*. Though the *Śrauta Sūtras* deal with these rituals with instructions in sufficient detail, they still find clear exposition in several of the *Brāhmaṇas*. We will confine ourselves to the details found in the *Śatapatha Brāhmaṇa* and the *Aitareya Brāhmaṇa*. Into the details of this elaborate ceremonial we will not enter here. Suffice it to examine a few rituals which have a direct bearing on the political development of the state. The offerings are called *ratnahavis* which were performed in the houses of the *ratnins*. The Vedic index explains the term *ratnin* thus : ' those people of the royal entourage in whose houses the *ratnahavis* was performed in the course of *rājasūya*.'[1] It is interesting to examine who these *ratnins* were. They were the commander of the army, *purohita*, *kṣatra*, queen, *sūta* (chronicler), *grāmaṇī*, *kṣattṛ* (chamberlain), *saṅgrahītṛ* (treasurer), *bhāgadugha* (collector-general), *akṣavāpa* (superintendent of accounts) *gōvikartana* (huntsman), *pālāgala*, and *parivṛkti*. In the *Taittirīya Saṁhita*[2] the list of *ratnins* is different. These are court chaplain, *rājanya*, *mahiṣi*, favourite wife or queen, discarded wife, commander of the army, *sūta* (ministrel), *grāmaṇī*, *kṣattṛ* (chamberlain

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[1] *Vedic Index*, vol. ii, pp. 199-200.

[2] i. 8. 9 ; see *H. O. S.*, vol. xviii, p. 120. Here Dr. Keith gives different interpretations for some of these terms.

or superintendent of the seraglio, according to Eggeling),
sangrahitar (treasurer), *bhāgadugha* (collector-general),
akṣavāpa (superintendent of accounts). Some of them
were representatives of the people or a class of people
and this must lead to the conclusion that the people
enjoyed and shared the powers of the state.

The *rājasūya* is given in the *Śatapatha Brāhmaṇa*.[1]
To Indra and Agni oblations are given for the former is
fiery spirit and the latter is vigour and energy. In the
fourth *Brāhmaṇa* different offerings are mentioned. Three
horses, the warrior and the charioteer, these are five
breaths.[2] The fire brand is mentioned as encountering
the arrays or battles to beat off the enemy[3] and even slay
him. In the fifth *Brāhmaṇa* is given the *triṣanyukta*
offering. In the first *Brāhmaṇa* of the third *adhyāya* the
ratnahavis is offered. The third *Brāhmaṇa* of the third
adhyāya is the *abhiṣechana* or consecration ceremony.
This word literally means the ' sprinkling ', and corres-
ponds to the anointment of the present day. It is per-
formed for five days. In the fourth *Brāhmaṇa* different
kinds of water symbolical of vigour are collected. These
are for sprinkling in front and from behind and afterwards
to be rubbed all over the body of the king.[4]

The consecration ceremony takes place at the mid-
day. Pṛthu Vainya was the first among men to be
anointed. This is done by the *purohita*, one of his
kinsmen, an ally, a Vaiśya. He is adorned with gold
pavitras (strainers?), *tārpya* garments; also undyed wool.
He wears a mantle. The bow and the ends of the bow
are then addressed. Three kinds of arrows, *dịvā* (for
mere shooting), *rujā* (for piercing an enemy) and
kṣumā (missing his aim) are handed over to him. The

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[1] *Śat. Br.*, v. 2. [2] *Ibid.*, v. 2. 4. 9.
[3] *Ibid.*, 16. [4] *Ibid.*, v. 4. 2.

bow is truly a Kṣatriya's strength.[1] The residue of waters anointed is offered to the Brahman and his son, and according to Āpastamba his favourite son, and lastly the queen.   Then he takes down a chariot yoked with four horses[2] to be freed from all dangers.   Hence this king is called Indra and Arjuna.   Here again the chariot-warrior and charioteer are mentioned.[3]

Then the king takes the throne-seat of *khadira* wood spread over by a tiger skin, pleasant and soft of touch. According to the *Aitareya Brāhmaṇa*, the king after the *pūrṇābhiṣeka* (renewed anointing) takes the throne-seat of *uḍumbara* wood,[4] and pays homage to the holy power or Brahman. For when the lordly power falls under the influence of the holy power the kingdom is prosperous, rich in heroes : in it an heir is born.[5]   Afterwards the king descends from the throne,[6] and follows the magic rites for defeating an enemy.[7]   The *adhvaryu* and his assistants silently strike him with sticks on his back to indicate that he is *adaṇḍya*, exempt from all punishment. Then he addresses the Brahman, of course the *purohita* for blessing and the latter blesses him that he is also Brahman. . . .   Varuṇa of great power, mighty Indra, kindly Rudra, and closes with calling him by auspicious names much-worker, better-worker, more-worker.' This suggests that by fulfilment of his *svadharma* in a true spirit he would make the land flow with milk and honey.

The *purohita* again presents him with the sacrificial sword implying that a kṣatriya is weaker than a Brahman, but stronger than his enemies. He in his turn offers it to his brother, he to the *sūta* (ministrel) c

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Śat. Br., v. 3. 5.   [2] *Ibid.*, v. 4. 3.   [3] *Ibid.*, v. 4. 3.
[4] viii. 8.   [5] viii. 9.   [6] *Ibid.*   [7] viii. 10.

to the governor.   Each in his turn to the *grāmaṇi*, the latter to the *sajāta* (tribesman).   This man prepares the playground.[1]

So much for the *rājasūya*.   As for the *vājapeya* its performance wins for the sacrificer everything here.[2] It is both for the Brahman and the *rājanya*.[3]   The latter by offering it becomes a *saṁrāṭ* or emperor.[4]   *Vājam* is strength and he who performs it becomes more strong than the others.   In the *vājapeya* a *rājanya* shoots northward seventeen arrows showing that he is ruler over many a people,[5] and the performer gets wealth and food, for the *vājapeya* is said to be the same as ' *annapeya* '. The throne-seat of the *udumbara* wood spread over by goat skin is placed in a raised platform while his subjects sit below.[6]   He is seated for the welfare of the people.[7] Food is sprinkled upon him and by this consecration he becomes the supreme ruler and a fellow of Bṛhaspati.[8] He goes about to know the people's well-being.[9]

Though the *vājapeya* was a sacrifice worthy of being performed by any Kṣatriya,   still it is reasonable to suppose that many a monarch did not essay its performance.   Rather it was a preliminary to the *rājasūya*. Later on the *vājapeya* seems to have become a Brahmanical ritual and the Brahman who qualified himself by performing it was worthy of being consecrated to the institution of Purohitship in the state.

The *Aitareya Brāhmaṇa* describes the *mahābhiṣeka* of Indra and the *mahābhiṣeka* of kings.[10]   The description of the politico-religious institution of the *rājasūya* makes it clear that the ceremony of consecration to the

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[1] *Śat. Br.*, v. 4. 4.   [2] *Ibid.* v. 1. 1. 8.   [3] *Ibid.*, 11.
[4] *Ibid.*, 13.   [5] *Ibid.*, v. 1–5, 13–14.   [6] *Ibid.*, v. 2. 1. 22.
[7] *Ibid.*, 25.   [8] *Ibid.*, v. 2. 2. 12 and 14.   [9] *Ibid.*, v. 2. 2. 7.
[10] viii. 12–23.

throne of a certain state was a well-recognized institution
in the epoch of the *Brāhmaṇas*.   The *Satapatha* and the
Aitareya Brāhmaṇas furnish us with countless details as
to the anointing of a king.   The coronation ceremony
was thus looked upon as of great constitutional impor-
tance.   It invested the ruler with the rights to reign and
rule.

(iv) THE *MAHĀBHIṢEKA* OF INDRA

We have seen that the ordinary *abhiṣechanīya* con-
sisted of two aspects—the one sprinkling of waters by the
various estates of the state who were so many representa-
tives of the people at large (*ratnins*), and the second the
theological anointing by the *purohita*.   But the *Aitareya
Brāhmaṇa* describes a *mahābhiṣeka* which resembles in
several details the *abhiṣechanīya* of the *Satapatha
'Brāhmaṇa.*   There, we are given, in the first place the
mahābhiṣeka of Indra done by the gods with Prajāpati
as he was the mightiest, the most powerful and
strongest, the most real, the best of the accomplished
among them.   He then mounted the throne of *Ṛc. . . .*
But for him to display his prowess, the gods said, he must
be proclaimed.   The proclamation was as follows :—

' Do ye proclaim him, O Gods, as overlord and over-
lordship, as paramount ruler and father of paramount
rulers, as self-ruler and self-rule, as sovereign and sove-
reignty, as king and father of kings, as supreme lord
and supreme authority.   The lordly power has been
born, the Kṣatriya has been born, the suzerain of all
creation hath been born, the eater of the folk hath been
born, the breaker of citadels hath been born, the slayer
of *asuras* hath been born, the guardian of the holy
power hath been born, the guardian of the law hath
been born.'

Prajāpati then anoints him with the verse :—

> ' Varuṇa within the waters,
>   Hath set him down, preserving order.

For overlordship, for paramount rule, for self-rule, for sovereignty, for supreme authority, for kingship, for great kingship, for suzerainty, for supremacy, for pre-eminence, the wise one.'

Then the *vasus* of the east consecrated him for overlordship, the *rudras* of the south for paramount rule, the *ādityas* of the west for self-rule and all the gods of the north for sovereignty. The *sādyas* and the *āptyas* of the middle quarter for kingship, the *maruts* and *āngirasas* of the upward quarter for sovereignty and pre-eminence. Connected with Prajāpati he became supreme authority.[1]

It requires no stretch of imagination then to infer that the *mahābhiṣeka* ceremony was intended only for a ruler who has attained pre-eminence by his world-conquest and who is emperor in the literal sense of the term. We use this phrase advisedly. Prof. Keith says :— ' The political references do not hint at any great kingdoms but at a large number of petty princes who despite their titles and claims to sovereignty were doubtless rulers of limited portions of territory. The social conditions are in full accord with this view nor does it seem possible with Weber to see the conception of a real empire in the great consecration of Indra in the *Aitareya*.'[2] Now the *Aitareya* does not merely mention the theoretical system but refers to the names of several emperors who have had in the past such honour of this great consecration of Indra. To mention a few would not be out of place here.

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[1] viii. 12-14 ; Keith, *H. O. S.*, vol. xxv.
[2] *H. O. S.*, vol. xxv, Introduction, p. 45.

Tura Kāvaṣeya anointed Janamejaya Pārikṣita ;

Cyavana Bhārgava anointed Çāryāta Mānava ;

Somaçuṣman Vājaratnāyana anointed Satānīka Sātrājita ;

Parvata and Nārada anointed Ambāṣṭhya ; and

Yudhāṁçrauṣṭi, Augrasainya ;

Kaçyapa, Viśvakarman Bhauvana ;

Vasiṣṭha, Sudāsa Paijavana;

Āṅgirasa, Marutta Avikṣita ;

Atreya, Aṅga ;

Dirghatamasmāmatya, Bharata Dauṣhsanti ;

Bṛhaduktha, Durmukha, the Pānchāla ; and

Vasiṣṭha Sātyahavya, Atyarāti Jānantapi.

The latter played false with his *purohita* and was in consequence defeated and slain by another king Saibya. This idea of ' playing false ' is contrary to all constitutional principles on which the coronation ceremony is based. For before he is actually consecrated with the great consecration of Indra the emperor is made to take an oath in public which ran as follows :—

' From the night of my birth to that of my death, for the space between these two, my sacrifice and my gifts, my place, my good deeds, my life, and mine off-spring mayest thou take, if I play thee false.'[1] This is addressed to the *purohita* when the latter gives the warning in the same tone and language. The oath is different in different texts,[2] and suggests that this oath was not one peculiar to the *mahābhiṣeka* but applicable to the ordinary consecrations also. After all this is akin to the *sārvamedha* sacrifice of the *Śatapatha Brāhmaṇa*. He alone is entitled to this who has attained pre-eminence and suzerainty over the other rulers. The existence of

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[1] *Ait. Br.*, viii. 15.   [2] *Kau. Br.*, xvii. 4. 8 ; *Tait. Br.*, i. 7. 10.

an emperor does not necessarily mean the entire absence of other kings in smaller status and position. Thus in the *Aitareya* or for the matter of that in all the *Brāhmaṇas* we find mention of a number of kings ruling over different quarters. But everybody is not proclaimed as the emperor or suzerain. What we wish to establish is the fact that the various titles occurring in these texts bear their own significance ; and to make any other assumption is to ignore a *de facto* tradition. The texts are clear with regard to the different titles. It is quite possible that side by side with an emperor there could be overlords and even kings as well in his empire who could have been subordinate to him. They might represent to an extent the great earldoms, created by Cnut, the best of Danish and English kings, over which he appointed great earls, himself being in charge of a separate earldom. On this account we cannot say that Cnut was only an overlord of Wessex and not a king of other earldoms like Northumbria, Mercia, and East Anglia. Probably there prevailed similar political conditions in India in the period of the *Brāhmaṇas*. There were dependent and independent rulers, and a great emperor would, by his mighty conquests, bring the independent kings to a stage of dependence. Such an all-powerful monarch alone seems to have been entitled to the *sārvamedha* and the *mahābhiṣeka*. Weighing then the names of many a monarch cited in the *Aitareya* in the impartial and unprejudiced balance of our minds, it is just possible to affirm that not only was there a conception of an empire but an actual empire in working. The *Aitareya* mentions the tribes of the Dakhan such as the Andhras which is a clear indication that the redactor of the text knew all India from the Himalayas to the very south. Again according to the

Rāmāyaṇa, Rāma was the emperor of all India including Ceylon by his extensive conquests. Duryodhana and Yudhiṣṭhira were conversant with all India. Thus in the history of ancient India, now and then shoots forth an emperor to whom all the chieftains of small and big states acknowledge allegiance as their overlord.

(v) THE *AŚVAMEDHA*

Mention must be made of another important *yajña* (sacrifice) which was also political in aim and character. It is the *aśvamedha*, an important sacrifice that is expected to be performed by every great monarch who aimed at attaining the highest place (Indrahood) in heaven. The *Śatapatha Brāhmaṇa* calls it an ' *utsanna yajña*.'[1] The same epithet is given also to the चितिस्थलं in the *Garuda-chayana yajña*.[2]

The *aśvamedha* like the kindred *rājasūya* is a rite certainly complex in its nature. Eggeling says, ' A great state function in which religious and sacrificial element is closely and deftly interwoven with a varied programme of secular ceremonies.' But this differs from the *rājasūya* to the extent that the performer of the latter might be any petty chieftain while that of the former must be a king of kings. He should be one to

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[1] xiii. 3. 3. 6.

[2] v. 3. 1. 1. Several meanings such as ' detached ', ' extended ' are given for this term. The *Yajurveda Saṁhita* (Black School) suggests *utsanna yajña* to mean a sacrifice that is unworthy.

उत्सन्नयज्ञो वा एष यदग्नि किंवा हैतस्यक्रियते

किं वा न यद्वै यज्ञस्य क्रियमाणस्य अन्तर्यन्ति

question whose authority and supremacy there must be none else.[1]

The *aśvamedha* is reckoned to be the best of sacrifices.[2] Both the epics bear testimony to the *aśvamedha* sacrifice in practice. King Daśaratha performed it for the birth of a son, and Yudhiṣṭhira to purge himself clean of all sin that could have come to him from the great carnage at Kurukṣetra.[3] The *aśvamedha* sacrifice is elaborately described in the thirteenth *kāṇḍa* of the *Śatapatha Brāhmaṇa*. It would appear that the sacrificial horse is let loose to wander through various parts of the empire, but only under a powerful escort. The object of its performance is clearly set forth in the opening lines of this *kāṇḍa*. 'Thereby the gods redeem all sin, yea, even the slaying of a Brahman they thereby redeem; and he who performs the *aśvamedha* redeems all sin, he redeems even the slaying of a Brahman.'[4]   In this one smells an ethical flavour. The great epic shows that it follows tradition exclusively when it declares 'The *aśvamedha* purges one of all evil deeds and acts. By its performance you would undoubtedly be delivered from all

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[1] As to the origin of this institution Eggeling seems to take the view that it must be a later institution as there is no positive evidence in the *Rig Veda Saṁhita*. There are however references in the *Rig Veda* (i. 162, 163) even in the very first *maṇḍala*. Prof. Eggeling is quite aware of these but would have them as ' latest productions ' for reasons we cannot divine. We could not set aside these positive indications, because the *Rig Veda Brāhmaṇas*, the *Aitareya* and the *Kausītaki* have not mentioned it. Perhaps it is not material to the point in the *Brāhmaṇas*.

[2] *Śat. Br*,. xiii. 1. 2. 2.

[3] A whole *parvan* is devoted in the *Mahābhārata* to the performance of this *yajña* by the Pāṇḍava princes in general. Some scholars seem to be of opinion that this *parvan* is anachronistic. It must have been a later introduction into the *Mahābhārata*, perhaps a condensed version of the Jaimini's *Bhārata* (*Aśvamedha* portion) which is comparatively a modern work. This supposition is certainly untenable. The institution of *aśvamedha yajña* is recognized even in Vedic days.

[4] xiii. 3. 1. 1 ; Eggeling Trans.

sins.'[1]   The celebration of a world-conquest was often marked by the performance of this sacrifice. The *Atharva Veda*, besides the *Rig Veda Samhita* to which we have already referred, makes mention of the four *yajñas* which can be performed by the Ksatriyas.   These are categorically the *rājasūya*, the *aśvamedha*, the *purusamedha* and the *sārvamedha*. These are also found mentioned in the *Mahābhārata*. Here[2] Vyāsa instructs Yudhisthira that these four are deserving of performance by a king who aspires to achieve glory here and hereafter.   Of these the *purusamedha* was not in actual practice though Dr. Hillebrandt takes the opposite view.[3]   There is no other legend than that of Sunaśchepa described in the *Aitareya Brāhmana*. The *sārvamedha* is again a ritual for universal sovereignty. The consecrated king performs it when he becomes an emperor.   It is a ten days' sacrifice, once performed by Viśvakaṛma Bhuvana with the officiating Rtvik Kāśyapa. The constitutional import of this sacrifice seems to be very important.   Here we have for the first time the realization of the concept of India as a political and territorial unit.[4]   Here we have the 'sole ruler' of all earth bounded by the ocean.[5]

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[1] अश्वमेधो हि राजेन्द्र पावनः सर्वपाप्मनाम् ।

तेनेष्ट्वा त्वं विपाप्मावै भविता नात्र संशयः ॥ (*Aśvamedha*, lxxi. 16.)

अश्वमेधो महायज्ञः पावनः सर्वपाप्मनाम् ।

पावनस्तव दुर्धर्षं रोचतां रघुनन्दन ॥ (*Rāmāyana*, vii. 84. 2.)

[2] *Aśvamedha*, 3. 8.

[3] *Ritual litteratur*, p. 145 ; see Keith, *H.O.S.*, vol. xxv, Introduction, p. 62.

[4] *Śat. Br.*, xiii. 7. 1 ; *Ait. Br.*, viii. 15.

[5] Eggeling is correct when he says that though the procedure of the *purusamedha* is elaborately seen in the *Satapatha Brāhmana*, *Śānkhāyana* and *Vaitāna Sūtras*, still from the form in which it is presented in these

(vi) DUTIES AND RIGHTS OF KINGS

We now proceed to examine the duties and rights of kings as realized in ancient India. The *Arthaśāstra* which follows entirely the code of laws established from very remote times has certain sane recommendations as to the duties of the king. The day and night are divided into eight periods respectively when the king is expected to fulfil the respective functions marked out.[1]

DAY

6 to 7.30 a.m.	Supervising receipts and expenditure.
7.30 to 9 a.m.	Affairs of citizens and people.
9 to 10·30 a.m.	Bathing, Vedic chanting and eating.
10.30 to 12 noon.	Affairs of the officers of the state.
12 to 1.30 p.m.	Council with ministers and confidential agents.
1.30 to 3 p.m.	Rest and amusement.
3 to 4.30 p.m.	Supervising the army.
4.30 to 6 p.m.	Regarding enemies and military operations.

NIGHT

6 to 7.30 p.m.	Receiving intelligence officers and others.
7.30 to 9 p.m.	Bathing, eating nd prayers.
9 to 1.30 a.m.	Music and sleep.
1.30 to 3 p.m.	Again music and thoughts of the morrow.
3 to 4.30 p.m.	Other state business pondered over.
4.30 to 6 p.m.	Blessings of the *ṛtvik*, *āchārya*, *purohita*, etc.

books we can take it that it was never meant to be performed. We are given a mere theoretical scheme towards the completion of the sacrificial system. *S. B. E.*, vol. xliv, Intro. p. xli.

[1] Cf. Yājñavalkya, i. 327-33; Manu, viii. 145-6; also 219-25; *Mbh.*, *Sabhā Parvan, vv.* 89-90.

But this programme was not in any manner rigid and inelastic.   It was subject to modification if necessity demanded.[1]   Such a heavy programme could not have been realized in practice if the king lacked in the quality of उत्थान (activity).[2] That the king must, therefore, possess this in an eminent degree is repeated by Kauṭalya in several places.   In the later Mughal empire we are told that Aurangazeb the great emperor was ever active and hardly found time even to sleep for a few hours continuously.

Besides the duties chalked out in this programme the *Arthaśāstra* mentions a number of other functions which he was expected to discharge.   In the court he was expected to bestow personal and immediate attention to affairs involving temples, heretics, *śrotriyas*, women, cattle, places of pilgrimage, the young, the aged, the diseased and the helpless.   Justice was to be rendered impartially by bestowing equal attention to all irrespective of social status.   For the end of justice is to make the people feel happy.[3]

More or less the same time-table is furnished by Śukrāchārya.[4] He divides the day and night as follows :—

DAY

3 to 4.30 a.m.	Supervising accounts.
4.30 to 7.30 a.m.	Bath and prayers, physical exercises.
7.30 to 11.15 a.m.	Official business.

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[1] *Arthaśāstra*, Bk. i, Sec. 19.

[2] तस्मान्नित्योत्थितोराजा कुर्यादर्थानुशासनम् ।

अर्थस्य मूलमुत्थानमनर्थस्य विपर्ययः ॥

अनुत्थाने ध्रुवो नाशः प्राप्तस्यानागतस्य च ।

प्राप्यते फलमुत्थानाद्भते चार्थसम्पदम् ॥ (*Ibid.*)

[3] *Ibid.*   [4] i, ll. 551–69. Cf. *Bārhaspatya*, i. 59–66.

11.15 to 12.45 noon.	Dinner, rest and reading.
12.45 to 2.15 p.m.	Justice and council.
2.15 to 3·45 p.m.	Hunting, etc.
3.45 to 4.30 p.m.	Parade and army muster.
4.30 to 6 p.m.	Evening prayer and meals.
6 to 7.30 p.m.	Reports of spies.
7.30 to 3 p.m.	Rest and sleep.

His duties towards the harem were significant.   The harem was located in a place which was fire-proof and poison-proof. Parrots, heron and other birds were reared in it to detect poisons.   There is evidence in the *Rāmāyaṇa* that Daśaratha's harem contained such birds, and Kauśalya is said to speak to the parrots.

He must again guard himself from his own queens. Kauṭalya gives some traditional names of queens who have misbehaved in such a manner and whose mis- behaviour cost them their lives often.   Hence pre- cautions are carefully laid down by the author of the *Arthaśāstra*, with regard to the harem.   Armed women generally guarded the palace.[1]

The king could enter it if he was personally satisfied of the queen's purity, for there have been cases like Bhadrasena killed by his brother, Kaṁsa by his son and Kāśirāja by his own queen.[2]

Hence it was necessary to wean her from the undue influence of ascetics, buffoons and public women outside.[3]

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[1] Cf. *Kāma*, vii. 40-41, 45-54.

[2] There is a parallel passage quoted by Kullūkabhaṭṭa in his commentary on *v.* 153 of chap. vii, which runs as follows :—

शस्त्रेण वेणोर्विनिगूहितेन विदूरथं वै महिषो जघान ।

विषप्रदिग्धेन च नूपुरेण देवी विरक्ता किल काशिराजं ॥ इति

See also *Harshacharita,* ch. vi, pp. 222-3.

[3] *Arthaśāstra.,* Bk. i, Sec. 20.

His duties towards his sons, the princes, were also to be noted. These are compared to crabs who devour their own parents.[1] If a king has more than one son the unruly prince might be banished from the kingdom. But if there is only one son, and if he were to give provocation to his father, he could be placed under restraint by imprisonment. Or he could be got rid of by having him sent on dangerous expeditions. He could be conciliated by promise of sovereignty. Failing these methods, if the turbulent prince proved a danger to the welfare of the state, even the penalty of death was not regarded too much.[2] A misbehaviour in a prince was regarded a disqualification for succeeding to the throne. A well-behaved one was invariably made a commander-in-chief or consecrated as *yuvarāja*, the crown-prince or the heir-apparent.[3] To shoulder such responsibilities the king must possess qualities of a high order. Dr. Nag gives[4] a veritable catalogue of royal virtues collected from the *Arthaśāstra*: (a) the *abhigāmika guṇāh* or the qualities pertaining to noble birth—luck, intelligence, heroism, piety, sincerity, taking counsel with the aged, gratefulness, magnanimity, energy, discipline, resolution, etc.; (b) *prājña guṇāh* or the qualities of intellect, such as curiosity, attention, assimilation, memory, discernment, discretion and passion for truth; (c) *utsāhaguṇāh*: signs of activity including courage, pride, promptitude and skill; (d) *ātmasampat* or the qualities of person such as prudence, good memory, vigorous intelligence, imposing bearing, self-control, mastery of various arts, impartial justice, far-sightedness, expertness to discover weak points of the adversary; control of emotions, freedom

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[1] *Arthaśāstra*, Bk. i, Sec. 17.   [2] *Ibid.*, Bk. ix, Sec. 3.
[3] *Ibid.*; cf. *Kāmandaka*, xiii. 51–58.
[4] *Les Theories diplomatiques*, pp. 66–67.

from passions, from irritability, greed, arrogance, indolence, inconstancy, impatience and cruelty.[1]

By thus regulating his conduct he endears himself to the people at large (*lokapriyatva*). The king who feels happy in the happiness of his subjects and feels sorry in their sorrow, gains fame in this world and earns eternal life in heaven after death.[2]

According to the quality which dominates in a king he is a *sātvika*, *rājasa*, or *tāmasa* king respectively.[3] Thus three kinds of kings are enumerated.

But Hindu political literature lays down a great principle राज्यं रक्षति रक्षित: ।[4] meaning that he who is protected protects the realm. If we begin analysing this pregnant statement we find that a king may possess qualities of soul and mind and even of body, but still, if adverse elements preponderate in the realm, he must be quite sure to quell these. This is the self-protection[5] which is incessantly referred to in our political and legal literature. This personal safety must be from his own sons, wives and from enemies.[6]

He must also shelter himself from his own servants. Sometimes these would be bribed by the enemies of the

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[1] Cf. Yājñavalkya, i. 309–11.

[2] प्रजासुखे सुखोराजा तद्दु:खे यश्च दु:खित: ।

सकीर्तियुक्तो लोकेऽस्मिन् प्रेय स्वर्गेमहीयते ॥ (*Vishnu Saṃ.*, iii. 70.)

प्रजासुखे सुखं राज्ञ: प्रजानां च हिते हितम् ।

नात्मप्रियं हितंराज्ञ: प्रजानां तु प्रियं हितम् ।

(*Arthaśāstra*, Bk. i, Sec. 19.)

[3] Śukra, i. 28–35.   [4] Cf. *Arthaśāstra*, i, 17.

[5] *Arthaśāstra*, Bk. v, Sec. 4.

[6] अन्यत्र प्राणाबाधक प्रकृतिकोपपातकेभ्य: ।

(*Ibid.*, Bk. i, Sec. 18.)

king.   He must be careful with regard to his food and
drink.   They must be put to physical and chemical
tests before they are actually taken.[1]   Even his toilet
and dress must be subjected to a careful examination
before use.   He should ride on chariots or animals only
after they have been mounted and tried by his hereditary
driver.   Even in his interview with ascetics and saintly
persons he must have by his side his body-guard.   So
also in receiving foreign envoys.   Whenever he goes
out of the capital or comes into it, the roads must be
properly policed by staff-bearers and the leaders of ten
communities.[2]

Lastly he must protect himself from the enemies
of his kingdom.   For this he must maintain a well-
disciplined army and navy under the supervision of
an efficient military department. Spies and envoys formed
a regular feature of the military administration.   For-
tresses were also a feature of the defences of the kingdom
against foreign enemies.   Thus the importance and
value of the king's person were recognized at all times and
in all places in ancient India.   It is further said that he
must never trust any one too readily and must evoke confi-
dence from all.[3]   It is again enjoined on monarchs as a
class that they must abstain from certain evil habits which,
if indulged in, would become regular vices, the so-called
vyasanās of the king.   It would be interesting and perhaps
instructive to learn what these are.   Vices are due

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[1] *Kāmandaka*, vii. 9-27.

[2] यात्रासमाजोत्सवप्रग्रहणानिच दशवर्गिकाधिष्ठितानि गच्छेत् ।

Arthaśāstra. Bk. i. 20.

The *Śrīmūlam Commentary* on the word '**दशवर्गिक**' '**दशभटनायक**'
(vol. i, p. 108.)

[3] *Kāmandaka*, v. 89-90.

to *kāma*, *krodha*, *lobha*, *moha*, *mada* and *mātsarya*. Manu lays down as a principle[1] that the king must avoid the ten evils arising from *kāma* and the eight from *krodha*. Too much indulgence of *kāma* could only be at the cost of *dharma* and *artha*, and that of *krodha* leads to the ultimate destruction of personal safety.

The ten of[2] *kāma* are given in a categorical list, hunting, gambling, sleeping in the day, speaking ill of others, sexual indulgence, spirituous liquor, dancing, music, and idleness. The eight of *krodha* are backbiting, criminal violence, hatred, envy, jealousy, wasteful expenditure, reprimand and reproach.

Śukrāchārya rules that any overindulgence in gambling, women and drinking would produce disasters. Nala and Yudhiṣṭhira are examples of kings who suffered terribly on account of indulgence in the vice of gambling. Indra, Dāṇḍakya, Nahuṣa and Rāvaṇa were kings who came to great grief owing to excess in sexual sensuousness. Too much of drink leads to the loss of intelligence.[3]

[1] दशकामसमुत्थानि तथाष्टौ क्रोधजानि च ।
व्यसनानि दुरन्तानि प्रयत्नेन विवर्जयेत् ॥
कामजेषु प्रसक्तो हि व्यसनेषु महीपतिः ।
वियुज्यतेऽर्थधर्माभ्यां क्रोधजेष्वात्मनैव तु ॥

(Manu, vii. 45–46.)

[2] मृगयाक्षो दिवास्वप्नः परिवादः स्त्रियो मदः ।
तौर्यत्रिकं वृथाट्या च कामजो दशको गणः ॥
पैशुन्यं साहसं द्रोहः ईर्ष्यासूयार्थदूषणं ।
वाग्दण्डजं च पारुष्यं क्रोधजोऽपि गणोऽष्टकः ॥

(Manu, vii. 47–48.)

[3] i. 11. 215–229.

Vṛshṇi is an instance in point. To these is added hunting. Excessive indulgence alone stands condemned.[1] King Pāṇḍu indulged in this with great detriment to the welfare of the kingdom.[2]

According to Kāmandaka even women and drinking are allowed to a certain extent.[3] Their combined evil effects[4] are indeed great, but not greater than hunting and gambling.[5] But Kauṭalya takes a different view altogether. Anger is worse than *kāma* or lust, and gambling is worse than hunting owing to loss of wealth and other defects. But sensuous lust is a worse evil, worse than gambling. In the latter attention can be directed which is not possible in *kāma*. Drinking is the worst evil. For loss of money, lunacy, absence of the sense of shame, loss of learning and friends, suffering from diseases of all sorts are its evil consequences.[6] Possessing such qualities and subject to such responsibilities the institution of kingship in modern political parlance should be regarded as a popular monarchy in spirit, if not in every detail of form. The king could not have his way in word or deed. In private as well as in public life he was bound down by the limitations of a comparatively rigorous character.[7] When he misbehaved out of sheer carelessness in public assemblies or councils, it was the function of the ministers as well as the *purohita* to see that he did not err but pursue the path of *dharma*. For this Kauṭalya mentions a curious device of striking a bell which answers to our telephone system and which acts as a

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[1] Cf. *Kāmandaka*, i. 48–65 ; xiii. 61–64.   [2] *Ibid.*, ii. 283.

[3] xiv. 21–26, 43–54, 55–58, 59–61.   [4] *Ibid.*, 65–68.

[5] Cf. *Bārhaspatya*, i. 33–35.   [6] *Arthaśāstra* Bk. viii. 3.

[7] Cf. Sarkar, Bk. ii, pp. 44–45.

check for him to abstain from any wrong course of action.[1]

Thus checks and balances at every stage of his work made the Hindu monarch act up to the concept of *dharma* and never stray beyond its sphere. He was made to realize that his prosperity rested only on the good will of the people.[2]

The responsibilities and rights of the ancient Hindu king were too many and too varied. A catalogue of such duties and rights is given not only in the *Dharma-śāstras*, the *Arthaśāstras* and the *Purāṇas* but also in the whole range of Vedic literature both the *Saṁhitas* and the *Brāhmaṇās*. The *Śatapatha Brāhmaṇa* says that the king is the upholder of the sacred law or *dharma* as also his *śrotriya* (the *purohita*). The king alone is not 'capable of all and every speech, nor of all and every deed',[3] By upholding law he becomes a realm sustainer—*rāṣṭrabhṛt*.[4] The necessity of offspring to a ruler so as to continue an uninterrupted succession is told in another succeeding verse.[5]   It is also enjoined that a king could not afford to neglect or oppress the *purohita* but try to work in conjunction with him and so to win distinction.[6] His other functions are to root out the enemies and thus bring welfare to his people.[7]   He was to bestow gifts of land and wealth on the deserving but with the previous approval of the clan.[8]   He was forbidden to rear cattle.[9]

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[1]मर्यादां स्थापयेदाचार्यानिमाख्यान् वा, य एनं अपायस्थानेभ्यो वारयेयुः छायानालिकप्रतोदेन वा रहसि प्रमाद्यन्तमभितुदेयुः । Bk. i, Sec. 7.

Shāma Śāstri translates 'छायानालिक' as a time indicator.

[2] *Arthaśāstras*, Bk. iv. 5.   [3] *S. B. E.*, vol. xliii, v. 4. 4. 5.
[4] *Ibid.*, ix 4. 1. 1.   [5] *Ibid.*, 5.
[6] *Ibid.*, xiv. 1. 5. 3 and 6.   [7] *Ibid.*, vi, 6, 3, 15.
[8] *Ibid.*, vii, 1. 1. 4.   [9] *Ibid.*, xiii, 2. 9, 8.

In the *Kauśītaki Brāhmaṇa* we find peoples forming the state and hence its stability. Kings and *purohits* may come and go, the state will remain for ever. It is said that the offices of the kingship and *purohitship* were insecure and not stable.[1] But the necessity for a leader is well recognized in the *Aitareya Brāhmaṇa.* The legend of *asuras* fighting with gods who possessed no leader and hence suffered defeat is clear indication of the absolute necessity for leadership. Soma was therefore made king.[2] The great reception of Soma the king [3] signifies the fact how the king was a guest worthy of all honours and how the office of kingship was a virtual necessity.

Hindu texts on polity lay emphasis on all possible occasions upon the powers, functions and responsibilities of the monarch. There is not much which is so frequently insisted upon as rights and privileges. Not that the monarch had none of these but these were secondary to the concept of duty. Duty first and rights afterwards, was the great gospel preached by Kriṣna to Arjuna, in the great battlefield of Kurukṣetra. The duties were both personal and public. Personal duties consisted of self-control, his conduct towards himself, towards the harem to enjoy *kāma* without prejudice to *dharma* and *artha*, and towards the household in general; to avoid the company of the evil-minded and to secure personal safety by previous and pre-meditated precautions. Public duties were varied in character but could be summed up in a simple phrase—welfare of the subjects (प्रजानां योगक्षेमवहा). To carry out law and administration he was

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[1] xvi. 4 ; Keith, *H. O. S.*, vol. 25.
[2] *Ait. Br.*, i. 14.
[3] *Ibid.*, i. 15.

entitled to one-sixth of the produce of the land and one-tenth of merchandise besides other dues such as tolls and duties innumerable.   Even in the matter of receiving gifts discrimination was used.   Presents were not to be accepted from butchers (सूनि), prostitutes (वेश्या), wine merchants (शुण्डी), and oilmen (चक्री).   For these[1] were considered as unlawful earnings arising from immoral callings.   The king was to offer gifts in cash and kind to the Brahmans who functioned to the religious affairs of the state.[2]   Further arts and sciences were associated with religion and the king was a devout patron of these.[3]

That administrative affairs were conducted on systematic lines is a fact which is fully attested.   Definite royal writs were issued under the seal of the king.   There was a special officer in charge of the different writs used for different purposes.   The *Kautalīya* says that the outbreak of wars and the agreements of peace depended on these writs.   These writs were known by the general name of *śāsana.* The word *śāsana* means literally order or command.   A categorical list of the writs of different interests is furnished in the *Arthaśāstra*, writs of information, of command, of gifts, of remission, of commerce, of general proclamation, and so forth.[4]

It might be noted that the system of writs was a regular feature of the administration commencing with the Mauryas.   The officer in charge of the writs was a man of no mean capabilities.   Kautalya lays down that

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[1] Yājña, i. 141.

[2] Manu, vii. 84-85 and Āpastamba, ii. 10. 26.

[3] विद्याकलानां वृद्धिस्स्यात् तथा कुर्यान्नृपस्सदा ।

<div align="right">Śukra, i. 370.</div>

[4] *Arthaśāstra.* ii. 10 ; Śukra, ii. 11. 585-86.

he who possessed the qualifications of a minister, wrote a legible and intelligible hand, was smart in composition and reading and knew practically the genealogies of all chieftains and kings with whom the state had intercourse, was alone fit for this post.[1]

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[1] अमात्यसम्पदोपेतः सर्वसमयविदाशुग्रन्थश्चावर्क्षरो लेखवाचनसमर्थो
लेखकः स्यात् । (*Arthaśāstra*, ii. 10.)

CHAPTER III

MACHINERY OF ORGANIZATION

Sec. i. THE CROWN PRINCE

THE Crown Prince is mentioned as one among the eighteen *tīrthas* of ancient Indian historical literature.[1]

It is a general rule that the prince must follow the king, his father, in all acts and deeds. But Kauṭalya says there is a limitation even here. He need not be guided by the advice of the monarch if it would cost his life or would rouse the fiery spirit of the general masses of the people.[2] In these two cases it would not be disobedience to the rules of *dharma*. Under the second plea Lakṣmaṇa asks Rāma to disobey Daśaratha's orders of forest life for fourteen years, for all the citizens not excluding women and children were greatly perturbed at the king's orders to his eldest son;[3] and they continued

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[1] The eighteen *tīrthas* of Sanskrit literature are *mantrin* (chief minister), *purohita* (adviser in religion), *senāpati* (commander-in-chief), *yuvarāja* (Crown Prince), *dauvārika* (head door-keeper or palace mayor), *antarvaṁśika* (chamberlain), *Praśāstṛ* (secretary in charge of prisons), *samāhartṛ* (collector-general), *sannidhātṛ* (finance minister), *pradeṣṭṛ* (chief police officer), *nāyaka* (leader of infantry), *pauravyavahārika* (judge at the capital), *kārmāntika* (director of mines and industries), *mantrapariṣadadhyakṣa* (secretary to the council-assembly), *daṇḍapāla* (leader of the army corps), *durgapāla* (the officer in charge of fortresses), *antapāla* (the chief of frontier guards), and *āṭavika* (forest chiefs).[2] Dr. Nag takes *nāyaka-Paura* as one official and *vyavahārika* as a separate entity (*Les Théories Diplomatique*, p. 38), while Jayaswal makes *nāyaka* (generalissimo), *Paura* (governor of the capital), and *vyavahārika* (Judge) as three distinct *tīrthas*. In his classification he has left out *āṭavika* and the reason for the exclusion of this department has not been furnished. (*Hindu Polity*, pt. ii, pp. 133–134; *Arthaśāstra*, i. 12; Trivandrum edition, vol. i, p. 57).

[2] *Arthaśāstra*, i. 17.

[3] *Ayodhya Kāṇḍa*, ch. 40, 41.

grief-stricken till sometime after Rāma had gone away to the forest. Vālmīki exhibits the Crown Prince Rāma as the idol of the people since he never passed the limits of *dharma*. It would not have been *adharma*[1] for Rāma to disobey even King Daśaratha in the face of strong public opinion in his favour. Rāma actually wanted to set up a higher ideal of a Kṣatriya than by following the rules of *kṣatriya-dharma* like a worldly prince.[2]

By mere accident of birth as the eldest son of the reigning king the prince was not accepted a *yuvarāja* or heir-apparent. But the whole gamut of ceremonies was to be gone through before the prince was declared the crown prince. This was the *abhiṣēchanam* of a prince to the status of a crown prince. A practical instance of this is seen in the preparations made for Rāma's *abhi-ṣēchanam* by King Daśaratha.[3] This consecration alone secured for the prince the right to ascend the throne after the sitting monarch.

As the prince is the future pillar of the state no little attention was paid to the formation of his character and in the teaching of good conduct even when young. To this end the system of education enjoined is mainly responsible. Hence the education of the prince was attended to even from infancy. According to the *Raghuvaṁśa*[4] it would appear that as early as

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[1] *Arthaśāstra*, i. 18.

[2] क्षात्रधर्ममहं लक्ष्ये ह्यधर्मे धर्मसंहितम् ।

शुद्रैर्नृशंसै: लुब्धैश्च सेवितं पापकर्मभि: ॥

(Ayodhya Kāṇḍa, 109. 20.)

[3] *Ayodhya Kāṇḍa*, ch. 3–6.

[4] स वृत्तचूळश्चलकाकपक्षकैरमात्यपुत्रै: सवयोभिरन्वित: ।

लिपेर्यथावद्ग्रहणेन वाङ्मयं नदीमुखेनेव समुद्रमाविशत् ॥ (iii. 28.)

the third year of his age when the ceremony of tonsure was generally performed the prince was placed under the guidance of good teachers who instructed him in the alphabet (*lipi*) and mathematics (*saṁkhyāna*). In his eleventh year, the age for investiture ceremony,[1] he was taught a course of higher studies comprising the three Vedas, *anvīkṣikī* or logic, *vārtta* or economics, and *daṇḍanīti* or science of politics. There were separate teachers, perhaps specialists, in charge of each subject. The very fact that the latter two subjects which were secular in character were taught by *adhyakṣas* or heads of administrative departments, *vaktārah* and *prayoktārah*, i.e., expounders and administrators of law, affords tangible proof that the educational training was no less practical than theoretical. Nor were these alone the subjects studied and pursued. Education was not considered complete if the prince had not either himself studied, or heard the *Ithihāsas* read to him ; besides he was taught the various branches of military science relating to the use and handling of different arms and armaments. Even here there was no indiscriminate learning of this subject now and that afterwards. A time-table was previously drawn up and the studies were pursued according to it. The mornings were generally fixed for learning the theory and practice of arms. The afternoon was devoted to the hearing of the *Ithihāsa*.[2]

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[1] Manu, ii. 361.

[2] Apparently this hearing and not study of the *Ithihāsas* has a value of its own. It may be that the prince might not be taxed in his impressionable age with a heavy curricula of studies. The study of the *Ithihāsas* is quite essential for a prince, for he must know the history of his predecessors in his own state and elsewhere; how they had ruled, and how far they had been successful in their policy and administration and what new lines could be chalked out if he were to have an efficient machinery. All these and more are found richly illustrated in the *Ithihāsa* literature not to speak of other texts. The time of studentship would not be sufficient if he

The evening and the early portion of the night were devoted to learning new and rare facts and memorising old lessons.[1]

The prince was expected to finish his higher studies by the end of the sixteenth year when he was legally allowed to enter the *gṛhasthāśrama*. There is evidence to show that education was not at home but at a public place where teachers were available. Away from their parents and deprived of a life of luxury at the palace, they cultivated the regular habits of mind and body. The result was something invaluable. It nurtured in time the virtue of discipline (*vidyāvinīta*). If all his studies could not advance him in the direction of this higher quality of discipline, woe to such studies! It was a practical and moral education that ancient India gave to her young.[2] Even though the prince had completed the student's course and got married, he was not placed in independent situations. A period of apprenticeship as a subordinate to an administrative head was to be gone through.[3] After he was declared competent and worthy of occupying an independent position, he was appointed to responsible posts like the general-in-chief of an army, governor of a province, or consecrated as an heir-apparent.[4]

One would ordinarily expect the co-operation of a prince with his father the king. He is to be the right hand, right eye and right ear to the sovereign as the councillors are the left hand, left eye and left ear.[5]   Śukrāchārya

were to study everything.   Hence the device of the institution of the *sūtas*, who narrated the stories to these princes at a certain fixed time of the day.

See the author's contribution ' on the *Sūta in ancient Indian Literature*,' The *Swadesamitran English Weekly*, March 15, 1925.

[1] *Arthaśāstra*, i. 17–18.

[2] Cf. Śukra, ii. 41–50 ; Agni, 225. 1–3.

[3] *Arthaśāstra*, i. 18.   [4] *Ibid.*, Bk. i. 17.   [5] Śukra, ii. 12–13.

explains how a prince ought to behave towards the king and his subjects.[1]   The prince was generally under the control of the sovereign, and if he would prove useful he must be advanced gradually to occupy the throne seat. But there may be cases where the prince would behave lawfully and still would be an eye-sore to his father. In such cases it is laid down that the prince could extricate himself to some place beyond the power of his father's sovereignty.   One such was to take to forest life.[2] Rāma's going to the forest is justified by the handmaid of Kaikeyi, the queen, representing that Rāma was a diplomat attributing a motive to which he was alien.[3] In much later days we find Shah Jahan's preparedness to go to Mecca against the ill-treatment of Jahanghir and Nur Jahan.

If again an honest prince would apprehend imprisonment or secret death at the hands of his father, he might ally himself with a good *sāmanta* chieftain, contract influential marriages, collect an army and win over parties in the state.   When the Pāṇḍavās were sent on the *vāranāvada-yātra* with the ultimate design on the part of Duryodhana to bring about their destruction, Vidura scented the danger awaiting them and made mention of it to the Pāṇḍavās.   Through a secret underground passage the latter escaped to the forests where

[1] Sukra, ii. 35-50.

एवं गृहाविरोधेन राजपुत्रो वसन् गृहे ॥

विद्यया कर्मणा शीलैः प्रजाःसंरंजयन् मुदा ।

त्यागी च सत्त्वसंपन्नः सर्वानिकुर्यात्त्वशेषकृे ॥

[2] *Arthaśāstra,* i. 17.

[3] तथाप्यतुष्यन्तमन्यस्मिन् पुत्रे दारेषु वा क्विहान्तं अरण्यायापृच्छेत् ।

(*Ayodhya Kāṇḍa,* viii. 21-39.)

Bhīma married the *aṭaviki* Hiḍimbi and begot on her a son Ghaṭotkacha. In the disguise of Brahmans the Pāṇḍavās again reached the Pañchāla territory where the king of that land had arranged for a *svayamvara* (marriage by choice) for his daughter (प्रवीरपुरुषकन्या). Arjuna married her and fought along with his brothers for their rights backed by the Pañchāla king. The *sāmanta* who was of help to them was Vetrakīya.[1]

Further those princes who are unjustly treated by the kings could leave the state and work in gold or ruby mines, or join with their maternal relatives and begin intriguing against the monarch.[2] By way of illustration we can say that the Pāṇḍavās took to various callings at *Virāṭa nagara* and joined finally Kriṣna who was their near relative through their mother.

On the other hand if the prince would misbehave and the king was impartial he could be conciliated in the first instance by diplomacy and promise of sovereignty if he happened to be the only son. If he could not get rectified he might be sent on dangerous foreign expeditions so that he might not prove a source of anxiety and mischief. Even if this were impossible he could be imprisoned, or, as a last resort, may be put to death.[3]

Bharadvāja advocates secret murder of really refractory princes. But the sage Viśālakṣa takes a different view and recommends that they must be kept under restraint in certain isolated places. If this method were not pursued there would be the extinction of the Kṣatriya

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[1] *Mbh., Ādi Parvan*, ch. 154 ff.

[2] एकचरस्सुवर्णपाकमणिरागहेमच्यपण्याकरकर्मान्तानाजीवेत्
मातुः परिजनोपग्रहेण वा चेष्टेत् । (*Arthaśāstra*, Bk. i. 17.)

[3] *Ibid.*, Bk. ix, Sec. 3.

race as it were.[1]   In fact Aśvathāma's killing of the child in the womb of Uttara would have extirpated the military race almost but for the timely help of Kriṣna. He gave life to the dead child and the latter was the famous king Parīkṣit.   According to Parāśara these recalcitrant princes could be removed to the frontier and kept far away from the activity of the state.   Yayāti sent his rebel sons to the care of the frontier guards.   But the sage Kauṇapadanta is of opinion that it was not a proper line, for it would give a sure handle to the enemy-king.   The latter would endeavour to pursuade these princes and would make mischief against their father, the king.   This is well seen in the case of the later Mughal Emperors.   So it is recommended that they could be placed under their maternal relations.   Mādhavagupta and Kumāragupta were sent to the court of Prabhākaravardhana, the father of Harṣa.   Kauśika's sons   were   sent   to   their   uncle   Dakṣaprajāpati. Kautalya is not satisfied with these methods.   Practical man that he was he believed in the moral value of the special training and good discipline born .of healthy influence of environment and association.   He says that a prince should be taught both in *dharma* and *artha* so that he would not fall into immoral temptations of an alluring nature.[2]

There are scholars who make capital out of these recommendations of the *Arthaśāstra* by characterising them as immoral.   Judged by theoretical standards of ethics they may be described as unmoral.   But it

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[1] ‘ नृशंसमदृष्टवधः क्षत्रबोजविनाशश्चेति ’ विशालाक्षः ।

तस्मादेकस्थानावरोधः श्रेयानिति ।   (*Arthaśāstra*, Bk. i, Sec. 17.)

[2] *Arthaśāstra*, Bk. i, Sec. 17.

must be remembered that *dharma* in India is wedded even to secular arts. The administration of the state to be efficient, to be beneficial, must depend on the character of the monarch guiding its destinies. If a prince, the king of to-morrow, is devoid of character (*dharma* and *nīti*) he could not but be treated as an enemy to the state.[1] We have innumerable examples to show how princes like the sons of Yayāti and Viśvāmitra became menials owing to the violation of the orders of the king, and how on the other hand Paraśurāma and Rāma who showed unquestioning obedience to their parents became successful ultimately in life.[2]

But a prince duly honoured by the king and esteemed by the citizens enjoyed the confidence of the state. He was made the crown prince and drew a handsome allowance of 48,000 paṇas yearly, the highest remuneration equal to that of the *purohita*, commander-in-chief, king's mother, and queen.[3] Further he enjoyed the rare privilege of not being watched by the Intelligence department with the *purohita* and the commander-in-chief. All the other fifteen *tīrthas* were liable to be watched by the members of that Intelligence department.

Usually each was endowed with a small territorial unit over which he was the head but still answerable to the monarch. The position was equal to that of a Governor or a Viceroy of a province of the modern days. This is evident both from the *Rāmāyaṇa* and the *Bhāgavata Purāṇa*. In the former Bharata's two sons were given rulerships of Takṣaśīla and Puṣkalāvati, two small states in the country of Gandhāra; Satrughna's two sons to be the governors of Mathura and Vidiśa;

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[1] नीतिवियुक्तः पुत्र इवशत्रुः । (*Bṛhaspati*, ii. 50.)
[2] *Śukra*, ii. 83-85 and 78-79.   [3] *Arthaśāstra*, Bk. v. 3.

Lakṣmaṇa's two sons were heads of two cities in the state of Kampatha and Rāma's two sons over the northern and southern portions of Kosala-deśa.[1]   The *Bhāgavata Purāṇa*[2] mentions details as to the division of the empire of Yayāti under his sons.   Yadu got the south of the empire, Turvasu the west, Druhyu the south-west, and Anu the north, while Purū was the emperor of all parts.

In the empire of Aśoka again the princes of the blood royal commonly designated Kumāras were appointed provincial Governors.   Four such Kumāra viceroyalties are mentioned in the edicts of Aśoka, one in Takṣaśīla in the frontier province of Gandhāra, a second at Svarṇagiri (*Kanakagiri?*), third at Tosali (*Dhauli*) in Kalinga, and the fourth at Ujjain.[3]   These princes were entrusted with the right of appointing their own district officials ' as no doubt was the practice during the Gupta rule '.   Though these princes enjoyed certain privileges still their power did not go unchecked by higher authorities.   The mention of the term Mahāmātras in the edicts shows that the Kumāra did not act by himself but always took counsel of the Mahāmātras[4] or the council attached to these princes.

Sec. ii. THE *PUROHITA*

Among the eighteen *tīrthas* or departments of the administrative machinery of the ancient Hindus, the institution of *purohita* or king's advisor in matters religious and secular as well,[5] was a prominent and influential one.   That it was so even in very early times

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[1] *Rāmāyaṇa*, vii. 101. 11 ; 108. 9–11 ; 102. 1 ; 107. 17.   [2] ix. 17. 21-3.
[3] D. R. Bhandarkar, *Aśoka*, pp. 49–50.   [4] *Ibid.*, p. 52.
[5] *Vedic Index*, vol. i, p. 113 ; ii, p. 90.

is sufficiently clear from the *Saṁhita* and the *Brāhmaṇa* compositions.

Just as the *Rājasūya* sacrifice was for the consecration of a Kṣatriya to the office of a king, so also was the *Bṛhaspatisava* for the consecration of the *purohita* to his office of *Purohiti*[1] or *Purodha*.[2]   With all his political functions he had also religious duties to perform. He took part in the sacrifices (it must undoubtedly be sacrifices performed by the Kṣatriyas in as much as he is a political functionary of the state) and acted the *Hotṛ* and *Brahman ṛtvik*. In the *Rājasūya* of Yudhiṣṭhira Vyāsa officiated as *Brahman*, and Dhaumya as *Hotṛ*.[3]   Sukra officiated as *Brahman* in the *Aśvamedha* of Bali.[4]   Again he alone had the power to propitiate gods with offerings of various kinds for the general welfare of the king and kingdom against the natural and unforeseen calamities of the state.   He was thus another guardian of the realm and it is but fitting that he is characterized as the *rāṣtragopa*.[5]

There is evidence to indicate that the *purohita* not only followed his monarch to the theatre of war but also took part in the operations on the field.   That is to say that if occasion so demanded of him he offered fight by joining the rank and file of the army.   Professor Hopkins refers to this in his learned contribution to the *Journal of American Oriental Society*.[6]   Viśvāmitra was the *purohita* of king Sūdas of the *Rig-Veda Saṁhita* and took part in the operations of war against him by the allied forces of ten tribes, well-known as the ' Battle of the Ten Kings '.

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[1] *Tait. Br.*, ij. 7. 1, 2 ; *R. V.*, vii. 6.   [2] *A.V.V.*, 24. 1.
[3] *Mbh.*, ii. 33. 32-5.   [4] *Bhāgavata Purāṇa*, viii. 23. 14.
[5] *R. V.*, vii. 18-13 ; *A. V.*, iii. 18 ; *Ait. Br*, viii. 24-25.
[6] vol. **xv**, pp. 260 ff.

The origin of this institution is shrouded in entire mystery. Zimmer[1] inclines to the view that this office should have come into existence after the establishment of the caste system which is generally regarded as belonging to the last period of the composition of the *Rig-Veda* texts. Mr. Law seems to give countenance to this opinion. Quite an opposite view is taken by equally eminent scholars. There is however strong reason to believe that the institution existed as well established even in the early epoch of the *Rig-Veda Samhita* where we find innumerable references to it.[2] Fick traces the institution even to pre-Vedic times.[3]

That this institution has not been sufficiently understood in its true spirit even by learned Sanskritists is clear. Julius Eggeling writes : ' A complicated ceremonial requiring for its proper observance and consequent efficacy the ministrations of a highly trained priestly class has ever been one of the most effective means of promoting heirarchical aspirations. Even practical Rome did not entirely succeed in steering clear of the rock of priestly ascendancy attained by such like means.'[4] Again ' in urging the necessity of frequent and liberal offerings to the gods, and invoking worldly blessings on the offerer, the priestly bard may be detected often pleading his own cause along with that of his employer as Kaṇva does when he sings : [5] ' Let him be rich, let him be foremost, the bard of the rich, of so illustrious a Maghavan as thou, O Lord of the Bay Steeds ! ' He concludes from this that the sacerdotal office must have been a very lucrative one.[6]

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[1] *Alindisches Leben*, chap. vi, pp. 195 ff.

[2] iii. 33. 8 ; vii. 18. 83.

[3] Trans. S. K. Maitra, p. 164.

[4] *S. B. E.*, vol. xii, Introduction, pp. 9 and 10.

[5] *R. V.*, viii. 2. 13.   [6] *S. B. E.*, vol. xii, Intro. p. 11

It is to be regretted that a distinguished Vedic scholar like Eggeling should have fallen into this error. There is no reason even to suppose that there were in ancient India a trained priestly class as such, or any priestly colleges like those of Rome or any like conception of heirarchy. Prof. Hopkins writes : ' They did not live in monasteries like the Buddhists. They did not draw salaries like the Christians. All that they had to live on was what was given them. They were not permitted to earn a living by worldly means. No wonder they were always rather profuse in praising gifts.' Evidence is equally wanting to prove that such sacerdotal offices were lucrative, or rather that the priests aimed at self-advancement at the expense of the sovereign or the ruling class. There was no priestly department in the state. To quote Prof. Hopkins again, ' While the Brahmanas never organized into monastic bodies but dwelt apart each in his own home living on private emoluments and daily alms, the Buddhists built enormous establishments which being supported as they were built by state patronage as well as by private benefactions flooded the country with an idle army of begging friars and even from the beginning became a refuge for lazy incompetents, as later (outside of India) they became hot-beds of immorality and political intrigue.'[1]

First of all the word ' priest' is a misnomer in ancient Indian historical literature. It conveys no meaning at all to the student of Indian Literature. The Brahmana community were never a class of priests as we understand to-day by this term. Every member of this community was accorded reverence and respect not because they were highly trained in sacrificial rites but for their deep and great learning of the whole sacred lore,

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[1] *Ethics of India*, pp. 148-49.   See also *J. A. O. S.*, vol. xiii, p. 72.

and also for their शुचि (purity), शील (character) and आचार,
which is putting into practice what they had learnt.
According to Vasiṣṭha : ' He alone is a Brahman who
controls his mind, practises austerities, conquers the
senses, is large-hearted, truthful, pure, versed in sacred
lore, compassionate, is full of practical experience,
intelligence and the quality of faith.'[1]

Again the Brahmanas alone were qualified to receive
gifts and that from kings only.   But such gifts were
awarded not because by accident they were born in the
Brahmana community, but explicitly to some for their
sacred learning and to others for practising austerities.[2]

To this sentiment may be added another dictum of
Yājñavalkya.   The latter says, ' he is no Brahman
worthy of respect if he is devoid of good character,
though learned and austere.'[3]   The same idea is repeat-
edly insisted on in the pages of the *Mahābhārata*.   A
Brahman devoid of good conduct could not be termed a
Brahman but a Brāhmaṇaka, a man of low caste.   That
is patent to demonstrate the social equality of all castes
and communities.   The idea underlying this fact is that
it is character and conduct that made and unmade the
castes.[4]   Any Brahman who fell short of the ideal of his
svadharma was not respected but regarded as a degraded
outcaste.[5]

To determine the true position of the Brahmana
community is to study the social and religious organiza-
tions of ancient India.   We are not at present concerned
with this knotty problem.   Ours is the examination of
the institution of the *purohita* (literally *præpositus*).
We cannot positively assign a date to the origin of this

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[1] vi. 23.   [2] *Ibid.*, vi. 26.   [3] i. 200.
[4] *Mahābhārata, Udyoga Parvan*, 45. 5 ; *Śānti Parvan*, 187. 18 : 276. 28.
[5] *Manu*, iii. 150 ff.

all important institution. But one thing is obvious, namely, that no office of monarchy or chieftaincy existed even in very early times without this office of the *purohita*. Both appear to have been the twins of the same mother, the state. Every state had a chieftain or king and every chieftain or king had invariably a *purohita*. Sometimes there was only one *purohita* for more than two or three kings. Devābhāga Srautarṣi was the *purohita* of the kings of both the Srinjayas and the Kurus.[1] It seems to have been an hereditary office. In the Sūryavaṁsa the Ikṣvāku kings invariably speak of Vasiṣṭha as their *purohita*. Orthodox tradition has it that the same Vasiṣṭha lived for thousands of years on account of his great *tapas* while monarchs died and succeeded. Whatever may be the truth, one fact is prominent and that is that there must have been a number of hereditary *purohitas* each called after the far-famed ancestor Vasiṣṭha taking a legitimate pride in their birth in such a distinguished line. Even to-day it is a custom in India to adopt the surnames or hereditary titles of famous forefathers.[2] Again Eggeling speaks of the gradually increasing importance of the office of *purohita*. ' From the comparatively modest position of a private chaplain who had to attend to the sacrificial obligations of his master he appears to have gradually raised himself to the dignity of so to say a minister of public worship and confidential adviser of the king.'[3] So far we cannot trace any evolution in the increasing importance of the office. In support of this statement a text of the *Rig Veda*[4] ascribed to Vāmadeva is quoted. But the passage in question does not warrant any modest position to the *purohita*. His extraordinary

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[1] *Sat. Br.*, ii. 4. 4. 5.
[2] *Vide* Oldenberg's *Religion Das Veda*, p. 375
[3] *Ibid.*, p. 12.   [4] iv. 50. 8.

influence is greatly felt.   He is all-powerful, perhaps
more powerful than the king himself.   It would be cer-
tainly instructive to quote the passage.   ' That king alone
in front of whom the Brahman walks (पूर्वे एति) lives well
established in his house : for him there is ever abundance
of food : before him the people bow of their own accord ! '
Certainly this does not warrant any modest position to
the *purohita*.   But Eggeling takes shelter under the
ill-supported argument that these verses are a later addi-
tion.   Let alone this passage.   There is another verse
wherein the invocation addressed to Agni, the latter is
characterized as the *purohita*, the divine ministrant of
the sacrifice.   The text runs as follows :   ' I magnify
Agni the *purohita*, the divine ministrant of the sacrifice,
the Hotṛ priest, the greatest bestower of treasures.'[1]
From this it is obvious that Agni does not hold the
position of a private chaplain in the kingdom of gods
but he is the ' divine ministrant ' and ' the king of all
worship '.[2]

It is a correct estimation of Prof. A. B. Keith who
remarks : ' The Vedic *purohita* was the forerunner of
the Brahman statesmen who from time to time in India
have shown conspicuous ability in the management of
affairs and there is no reason to doubt that a Viśvāmitra
or Vasiṣṭha was a more important element of Government
of the early Vedic realm.   It is clear too from the hymns
which are attributed to the families of these sages that
the *purohita* accompanied the king to battle and seconded
his efforts for victory by his prayers and spells.   In
return for his faithful service the rewards of the *purohita*
were doubtlessly large.   The *dāna-stutis* of the *Rig Veda*
tell of generous gifts of patrons to the poets and we may
safely assume that the largest donations were those of

[1] *R. V.*, i. 1.   [2] *I, I*, 8 ; *S. B. E.*, vol. xlvi.

kings to the *purohita*.'[1]   Our own view is that from the
earliest known literature, the *Rig Veda Samhita*, down to
the later treatises on the Arthaśāstra, the *purohita* main-
tained one and the same position in the state, at least in
every Kṣatriya-ruled state.

No scholar has bestowed so much thought and
attention on this great institution as Julius Eggeling
and hence we cannot refrain from quoting him once
again.   He continues: 'The struggle for social
ascendency between the priesthood and the ruling military
class must in the nature of things have been of long
duration.   In the chief literary documents of this period
which have come down to us, viz. the *Yajur Veda*,
the *Brāhmaṇās* and the hymns of the *Atharva Veda*,
some of which perhaps go back to the time of the
later hymns of the Rik, we meet with numerous passages
in which, the ambitious claims of the Brahmans are
put forward with · singular frankness.   The powerful
personal influence exercised by the *purohita* as has
already been indicated seems to have largely contri-
buted to· the final success of the sacerdotal order.'
The so-called struggle between the two classes, the
Brahmanas and the Kṣatriyas, is more a product of the
· imagination than one of actual fact.   In the whole mass
of the Vedic and later Sanskrit literature we cannot trace
a conflict between a king and his *purohita*.   The king
dared not disobey the *purohita* or the *purohita* overrule
the monarch.   The ambitious claims of the Brahmans
are not peculiar to the *Yajur Veda* or the *Atharva Veda*
alone.   Did we not find the same in the *Rig Veda Samhita*?
Prof. Keith distinguishes two classes of priests in this
period, the king's *purohita* and the sacrificial priest.   Says
he : ' In both cases the priest was in the long run at the

mercy of the political power of the king.'[1]   The office of *purohita* is glorified everywhere such as the *Arthaśāstra* texts of Kauṭalya and Kāmandaka.   There is no final success of one order over the other, because the very premises are doubtful.   We have no definite passages in any of the texts portraying the different phases of the struggle for any sort of social ascendency. It is possible that references to occasional disputes between some *purohita* and his king[2] has been misconstrued for the struggle between the two orders of the community.[3]

The social ascendency, if a real fact, is due to *śrotri-atvam*, i.e., learning and force of character, and to nothing else.   The learned scholar seems to think that he is not altogether correct in his own statements.   For says he in another later paragraph ' The question as to how Brahmans ultimately succeeded in overcoming the resistance of the ruling class receives but little light from the contemporaneous records.   Later legendary accounts of sanguinary struggles between the two classes and the final overthrow and even annihilation of the ·Kṣatriyas can hardly deserve much credence.   Perseverance and tenacity of purpose were probably the chief means by which the Brahmans gained their ends.'   He seems to be laying himself out for establishing an imaginary fact.   If the Brahmans had been really avaricious or ambitious they could have easily aspired to the imperial and royal offices.   If they had only wished they could have easily adorned the thrones of many a state.   But instead they sought voluntarily hard and strenuous life of fasting and penance.

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[1] *C.H.*, I, i. p. 128.
[2] *Ait. Br.*, vii. 27 : *Pañch. Viṁs Br.*, xiii. 12. 5 and xiv. 6. 8.
[3] Cf. Lassen, *Indische Alterthumskunde*, i, pp. 713 ff.

Remark has already been made that the *purohita* continued to maintain his old position even in the epoch of the *Dharma Śāstras* and the *Arthaśāstras*. Dr. Goshal who has given some thought to the question advances the argument that the *purohita* of Kautalya's *Arthaśāstra* has been ruled out from the list of proximate factors of Government.[1] Though this point has been given some consideration elsewhere[2] still it would not be out of place to recapitulate some of the statements. The commentator of the *Kāmandaka nīti sāra*, Śankarārya characterizes the *purohita* as a ' विशेष अमात्य ' one of the more prominent ministers, and qualifies his statement to that effect.[3]

How he is one among the king's ministry is further testified by the commentator of the *Śilappadhikāram*, a classic of the period of the Tamil Sangam, who explains the ௮ம்ம்ரகுங்குழு of the text, as minister, the *purohita*, the commander-in-chief, 'ambassador and Director of Public Information to use a modern term.[4] This and similar references from the Tamil treatises can bear the weight of the inference that the office of the *purohita* was not alien even to Dravidian polity. These confirm our view that the *purohita* continued to maintain his true station among the state officials as in Vedic times.

What is then his position in the *Arthaśāstra* and what are his functions and qualifications? Kautalya rules [5]

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[1] *Hindu Political Theories*, pp. 88–89.

[2] Is *Arthaśāstra* secular? by the author—*Proceedings of the Third Oriental Conference*, pp. 615–6.

[3] पुरोऽधीयते नियुज्यते दृष्टादृष्टेषु इति पुरोहितः । (Commentary on verses 30 and 31 of chapter iv of *Kāmandaka*.

[4] See *Tamil Lexicon*, vol. i, pt. iii, p. 579.

[5] पुरोहितमुदितोदितकुलशीले, षड्ङ्गे वेदे दैवे निमित्ते दण्डनीत्यां चाभिविनीतम् आपदां देवमानुषीणामथर्वभिः उपायैश्च प्रतिकर्तारं कुर्वीत ।

that he may be appointed or selected as the *purohita* who belongs to a distinguished and good family, highly learned, versed in all the sacred lore, as well as the science of astronomy, and the theory of polity, skilled in propitiating gods by the various rites prescribed in the *Atharva Veda*, to ward off calamities providential or otherwise occurring in the kingdom. Him the king should follow as a student his teacher, a son his father, and a servant his master. The same sentiments are given expression to in the verse of Yājñavalkya.[1]

That the *purohita* is one among the council of advisors to the king is also seen from the phrase of Kauṭalya.[2] Here too the text follows Yājñavalkya closely. It has been pointed out that the *purohita* of the *Arthaśāstra* in no way occupies a lower status than that of the *Aitareya Brāhmaṇa* where he is represented as the providence guiding the destinies of the kingdom.

तं आचार्य शिष्यः पितरं पुत्रो भृत्यः स्वामिनमिव चानुवर्तेत । (Bk. i, Sec. 9.)

[1] पुरोहितं च कुर्वीत दैवज्ञमुदितोदितम् ।

दण्डनीत्याश्च कुशलं अथर्व्याङ्गिरसे तथा ॥ (i. 313.)

Cf. *Āpastamba*, ii. 5-10.   *Gautama* xi. 12; *Baudha*, i. 10. 18 (7 and 8). This is only one of the few parallel passages some of which are referred to in the introduction to the first volume of *Kauṭalya Arthaśāstra* edited by Dr. Ganapati Sastri of Trivandrum (pp. 6-8). These parallels show unmistakably that one of them is indebted to the other. But who is the original author is the point at issue. It must be said to the credit of the great Mahāmahōpadyaya that he has proved on substantial evidence that the *Kauṭalīya* is posterior to the *Smṛti* of Yājñavalkya and hence it is indebted to this law-book more than anything else.

[2] मन्त्रिपुरोहितसख : (Bk. i, Sec. 10.)

Here is an internal textual evidence which bears out this fact more clearly than anything else.[1]

The energy of the Kṣatriya backed by that of the *purohita* and assisted by the deliberations of the ministers following the precedents laid down in the *Śāstras* leads to success without question.[2] Further the *purohita* of the *Kauṭalīya* occupies a unique rank among the highest paid state-officials, such as the minister, the commander-in-chief, or members of the royal household, the crown-prince, the king's mother, and the queen. Kauṭalya fixed the salary of the *purohita* as 48,000 *paṇās* per annum. The smaller officials under his department were each paid 1,000 *paṇās* yearly.[3]

It may be argued that the high salary allowed by Kauṭalya to the *purohita* does not necessarily mean that the latter was one of the *amātyas*. For the Archbishop of Canterbury draws a princely salary but surely for that reason one cannot claim for him a place in the cabinet of ministers. It is wrong to judge ancient Indian facts by modern standards. There is no comparison between the Archbishop of Canterbury and the *purohita* of the ancient Indian state. That the latter was an influential factor of the Hindu cabinets no one can deny. To this extent Kauṭalya gives unmistakably a place to him. He was an important limb of the Government.

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[1] ब्राह्मणेनैधितं क्षत्रं मन्त्रमन्त्राभिमन्त्रितम् ।

जयत्यजितमत्यन्तं शास्त्रानुगतशक्तितम् ॥ (*Arthaśāstra*, Bk. i, Sec. 9.)

[2] ब्राह्मण्यनुपमा दृष्टिः क्षात्रमप्रतिमं बलम् ।

तौ यदा चरतः सार्धं तदा लोकः प्रसीदति ॥

(*Vana Parvan*, xxvi. 16.)

Cf. *Mahābhārata, Ādi Parvan*, cxlix, 39 ; Manu, ix. 323; Gautama, xi.

[3] Bk. v, chap. iii.

We saw in the *Vedic* texts that one of his functions was to follow the king to the theatre of war and encourage the warriors now and then to rise equal to the occasion. In the chapter on encampment on the eve of the war[1] four divisions of the camp are mentioned and in the first are the *purohita* and the Prime Minister. The *purohita* encourages the army by quoting *Vedic* authority as to the final goal of brave men in the field.[2] ' Such of those places which the heaven-desiring Brahmans reach with their sacrificial utensils through several *yajnas* and penances, are attained immediately by the warriors who give up their lives heroically in battles for a good cause. That soldier who having eaten of the salt of his master would not fight is sure to go to hell and be deprived of the consecrated vessel of water covered over with *darbha*-grass.' Here we are reminded of the poet-bards mentioned in the Tamil texts of the Śangam epoch. These were called *pāṇar*. Their duty was to sing the

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[1] *Arthaśāstra*, Bk. x, Sec. i.

[2] यान् यज्ञसङ्घैस्तपसाच विप्राः स्वर्गैषिणः पात्रचयश्च यान्ति ।
क्षणेन तानप्यतियान्ति शूराः प्राणान् सुयुद्धेषु परित्यजन्तः ॥
नवं शरावं सलिलस्यपूर्णं सुसंस्कृतं दर्भकृतोत्तरीयम् ।
तत्तस्य माभून्नरकं च गच्छेद्यो भर्तृपिण्डस्य कृते न युध्येत्

(*Arthaśāstra*, Bk. x, Sec. 3.)

The second verse नवं शरावं, etc., is found in the Fourth Act of Bhāsa's

Pratijñayaugandharāyaṇa (edited and published by the late Gaṇapati Śāstri) addressed to soldiers to stimulate them to fight. Prof. S. Kuppuswami Śāstri on the authority of the *Nayacandrika* commentary on the *Arthaśāstra* seems to take the view that these verses ' were taken from some *Purāṇa* in which they happened to be put into the mouth of Manu, [Intro. *Āścaryacūḍāmaṇi* (Śri Bālamanorama series, Madras), pp. 21-23.] The commentator's suggestion is only a conjecture which is not based on any authority. The late Pandit is therefore probably right that the *Śloka* in question is Bhāsa's own quoted by Chāṇakya, the author of the *Arthaśāstra*. (*Vide* Intro. *Pratijñayaugandharāyaṇa*, pp. 3-4.)

glories of heroes who had fallen heroically in the field and thus infuse fresh spirit into the minds of the soldiers during the encounter. That they often followed their respective kings to the field and even acted as intermediaries and arbitrators, and sometimes also succeeded in averting the conflagration of wars is on record.[1] One peculiarity was that owing to their great learning even the enemy king accorded them due respect, and never questioned their movements in their kingdoms.

Even later works on polity like the *Kāmandaki Sukranīti, Nītivākyamṛta* continue the traditional ideas about this functionary. He is the directing force in the administration of Kāmandaka.[2] The qualifications of the *purohita* which are narrated in the *Sukranītisāra* well-nigh agree with what Kautalya has recommended.[3] The *Sukranīti* adds that he is also the *āchārya* or preceptor. This office figures as the first and the highly paid one among the ten departments of Sukrāchārya.[4]

The *Nītivākyamṛta* contains a whole section on the functions and qualifications of this functionary. This is important because Somadevasūri is a faithful transmitter of ancient and especially Kautalīyan tradition. The commentator quotes on the first stanza of the section a verse from Sukra:

दिव्यान्तरिक्षभौमानां उत्पातानां प्रशान्तये ।
तथा सर्वापदां चैव कार्यो भूपैः पुरोहितः ॥

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[1] See *The Art of War in S. India*, by the author in the ' *Annals of the Bhandarkar Institute* ', vol. vii, No. iv.

[2] Trivandrum edition, p. 56.

[3] Sukra, ii. 78–81.

[4] Sukra, ii. 70–72. Apparently by the time of the *Sukranīti*, whose date of composition is still a bone of contention among scholars, the eighteen departments of the state had reduced themselves to ten. Perhaps the complex nature of the organization of the administrative machinery warranted this change in the system of Government.

The Chief Minister and the *purohita* are equal to mother and father as told by Bṛhaspati.[1]

A categorical list of the calamities providential or otherwise which the *purohita* makes effort to avert is given. Fire, or thunder, rain or over-rains, epidemic, famine, pestilence to crops, relinquishment of men, prevalence of diseases, *bhūta*, *piśācha* and demons, fear of tiger, rats and snakes.[2] On this account Kālidāsa seems to have used the epithet क्रयवित् to the *purohita* Vasiṣṭha of King Daśaratha.[3] In addition to these onerous functions, he was also according to the *jātakas* an administrator of justice[4] and a guardian of king's treasures.[5]

Before we examine the position assigned to the *purohita* in the *Dharmaśāstra* and epic literature we must complete the description of the status accorded to him in the *Arthaśāstra* itself. It has been demonstrated that he was the guiding force in the administration. By this it must not be concluded that he was above the law of the land. Like any other citizen he was punished whenever there was a departure from his *svadharma* or loyalty to the king. The punishment amounted to imprisonment or banishment.[6] The *Panchaviṃśa Brāhmaṇa* goes further and rules that he might be even punished with death in cases of treason.[7] What we wish to drive at is the fact that the *purohita* of the *Kauṭalīya* preserved the status he had in *Vedic* times. Dr. Winternitz takes a

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[1] समौ मातृपितृभ्यां राज्ञो मंत्री पुरोहितौ ।
अतस्तौ वाञ्छितार्थेन कथंचिद्विरतरयेत् ॥

[2] Cf. *Arthaśāstra*, Bk. viii, Sec. iv.   [3] *Raghuvaṁśa*, xi. 58.
[4] The *Dhammaddhaja Jātaka*, i, vol. p. 220.
[5] The *Banhana Mokkha Jātaka* vol. i, p. 120
[6] *Arthaśāstra*, Bk. ix, Sec. 3 ; cf. Manu, viii. 335.   [7] xiv. 6. 8.

similar position with regard to the *purohita*,[1] and says that Kauṭalya accepts entirely the Brahmanical religion and view of life as the foundation of the state, and he has in view a state organization in which the Brahman plays a first role.

From the *Dharmasūtras* and the *Dharmaśāstras* we see that the same qualifications are mentioned and that it is insisted that the monarch must act according to the instructions of the *purohita*.[2]   The epics and the *Purāṇas* also faithfully transmit the Vedic tradition but in this epoch it is obvious that his duties become more and more complex.   Sometimes he had to attend to several functions at the same time.   The *Garuda Purāṇa* says, ' The high priest of the realm should be a man of vast erudition and perfect self-control—a hero in soul and virtue.[3]   The same *Purāṇa* speaks of a royal priest as distinguished from the high priest and his qualifications are the following: ' The royal priest should be a man who has studied the *Vedas* and the *Vedāngas* and constantly meditates upon the Divine self by celebrating *homa* ceremonies and pleasing the whole world in weal and woe.'[4]

In the *Mahābhārata* which is a mine of useful inform-ation Gandharva speaks to Arjuna on the infinite

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[1] *Vide* his *Geschichte der Indischen Litteratur*, vol. iii, pp. 523 ff. See also *Sir Asutosh Memorial Volume* (Patna), p. 34.

[2] सर्वेषां तु विशिष्टेन ब्राह्मणेन विपश्चिता ।

मन्त्रयेत्परमं मन्त्रं राजा षाड्गुण्यसंयुतम् ॥

नित्यं तस्मिन्समाश्वस्तः सर्वकार्याणि निःक्षिपेत् ।

तेन सार्धं विनिश्चित्य ततःकर्म समारभेत् ॥

Manu, vii. 58 and 59 ; cf. Baudh. 1. 10. 18 (7 and 8) ; Yājñavalkya, i. 313–14.

[3] M. N. Dutt Trans., chap. cxii ; cf. Agni., cxxxix. 16–17.   [4] *Ibid.*

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importance of the *purohita* to the king. Though a *karmavṛtta*, a king will be able to conquer the Rākṣasas provided the *purohita* leads him in front. He is the source of the king's name and fame. To that king whose *purohita* is self-controlled, versed in *Vedas* and *Vedāṅgas*, pure, truthful, selfless and devoted to *dharma*, heaven is certain. To him even the unattainable fruits could be got, and those got would be easily and safely kept. That king who yearns after the welfare of all must be in the confidence of this official. It is wrong to assume that a Kṣatriya conquers the whole world by sheer prowess and mere family greatness. It is only a kingdom under the guiding hand of a Brahman that will last long.[1] That on him hangs

[1] यस्तु स्यात्कामवृत्तोऽपि पार्थ ब्रह्म पुरस्कृतः ।
जयेन्नक्ष्वरान्सर्वान्सपुरोहितधूर्गतः ॥ ·

तस्मात्तापल्य यत्किंचिन्नृणां श्रेय इहेप्सितम् ।
तस्मिन्कर्मणि योक्तव्या दान्तात्मानः पुरोहिताः ॥

वेदे षडङ्गे निरताः शुचयः सत्यवादिनः ।
धर्मात्मानः कृतात्मानः स्युर्नृपाणां पुरोहिताः ॥

जयश्च नियतो राज्ञः स्वर्गश्च तदनन्तरम् ।
यस्य स्याद्धर्मविद्धाग्ग्मी पुरोधाः शीलवाञ्शुचिः ॥

लाभं लब्धुमलब्धं वा लब्धं वा परिरक्षितुम् ।
पुरोहितं प्रकुर्वीत राजा गुणसमन्वितम् ॥

पुरोहितमते तिष्ठेद्य इच्छेद्भूतिमात्मनः ।
प्राप्तुं वा सुमतीं सर्वीं सर्वशः सागराम्बराम् ॥

the thread of the realm is again brought out in chapter (cxc) where it is said that the Ikṣvāku kings attained celebrity and greatness owing to Vasiṣṭha, their *purohita.*[1]   The same Gandharva recommends Dhaumya, the younger brother of Ṛshi Devala as the *purohita* of the Pāṇḍavās.   On request Dhaumya accepted the offer ; and led by him the Pāṇḍavās reached Pañchala-deśa.   Here is a case of departure from the hereditary system of appointment.[2]   That he must be duly qualified and honoured by the king is further repeated by the sage Nārada.[3]   The same ideas are given to Yudhiṣṭhira by Ṛshi Vāka in the *Vana Parvan.*   The sage quotes the classic example of the Asura king Bali whose success was due to the Brahmans only.   A king without a *purohita* is like an elephant without the mahout.   A king with the *purohita* is compared to the fire united with wind.[4]   These import- ant comparisons have indeed a significance of their own.   They signify the great and imperative value of this functionary.

न हि केवलशौर्येण तापस्याभिजनेन च ।

जयेदब्राह्मणः कश्चिद्भूमिं भूमिपतिःक्वचित् ॥

तस्मादेवं विजानीहि कुरूणां वंशवर्धन ।

ब्राह्मणप्रमुखं राज्यं शक्यं पालयितुं चिरम् ॥

<div align="right">(Mbh., Ādi Parvan, clxxxvi. 77–84.)</div>

[1] *Ibid.*, 11–16.   [2] Ch. cxix.

[3] *Mbh., Sabhā Parvan*, v. 43.

[4] कुञ्जरस्येव संग्रामे परिगृह्याङ्कुशग्रहम् ।

ब्राह्मणैर्विप्रहीनस्य क्षत्रस्य क्षोभते बलम् ॥

<div align="right">(Mbh., Vana Parvan, xxvi. 15.)</div>

यथा हि सुमहानग्निः कक्षं दहति सानिलः ।

तथा दहतिराजन्यो ब्राह्मणेन समं रिपुम् ॥   (*Ibid.*, 17.)

In the *Śānti Parvan* again there are some important statements a perusal of which would be a profitable study. Bhīṣma the great preceptor advises Yudhiṣṭhira :[1] ' Do all your acts in conjunction with your *purohita*.' Who is a true *purohita*? Bhīṣma answers[2] that he alone must be appointed as the *purohita* who will help the king in protecting the righteous and putting down the unrighteous.

Then is given the king's behaviour towards such an official.[3] By service, obedience and following his *svadharma*, honoured by the *purohita*, a wise king earns an undying name. In chapter lxxiii, the qualifications and functions are set forth in instructive details. After giving a categorical list of qualifications Bhīṣma says that a king would be a mere nothing if he had no *purohita* to guide him. He would be ever in danger of the Rākṣasas, the Asuras, the Piçaśas, Uragas, Pakṣins and other enemies. He must do the warding off rites at prescribed times—*vaiśvadeva bali*, *rudra homas*, etc. It is said that the *purohita* washes the dirty linen of seven sinful *malas* of the king—wicked ministers, indifferent councillors, thieves, injustice, illegal punishment, not punishing the deserving, and cruelty in battle. He is further of considerable aid in the performance of sacrifices and other holy rites. By mutual amity and

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[1] अथ सर्वाणि कुर्वीथा कार्याणि सुपुरोहित: । (lxxi. 4.)

[2] य एव तु सतो रक्षेदसतश्च निवर्तयेत् ।

स एव राज्ञा कर्तव्यो राजन् राजपुरोहित: ॥ (lxxii. 2.)

[3] शुश्रूषरनहंवादो स्वधर्मव्रतेस्थित: ।

तावता संस्कृत: प्राज्ञ: चिरं यशसि तिष्ठति । (*Ibid.*, lxxii. 20.)

concord of both the Kṣatriyas and the Brahmans the people enjoy peace and good will.[1]

These statements demonstrate the indispensable office of the *purohita* who is a Brahman, and the fact that no superiority of class or caste is contemplated. On the other hand both are equal tending towards the common good of the people—the *yogakshema* of the state.[2] Hence his appointment precedes the anointing of the king.[3]

One has the power of *tapas and mantras* (तपोमन्त्रबलं) and the other the strength of weapons and arms[4] (अस्त्रवाहुबलं). It is certainly difficult to find the superiority of the nobility in the epic as Prof. Hopkins would make us believe.[5]

NOTE

There seems to be some confusion among scholars as to the true social and legal position of the Brahman-Purohita in ancient Hindu society. The confusion is due to two causes. (1) The wrong interpretation or forced construction put upon certain passages in the different texts by scholars. (2) The apparent inconsistency of the *Vedic* texts themselves. The former is unaccountable and even inevitable, each savant looking at them from his own view point and judging them as such. As for the latter, the confusion among the different *Vedic* Schools and teachers is only so at the surface ; but once we dive deep into the mysteries of their thoughts expressed through their writings we clearly see that in fundamentals all are essentially of the same idea. It may be that in trifling detail they may disagree, and even this

[1] ब्रह्मक्षत्रं हि सर्वासां प्रजानां मूलमुच्यते ॥

(*Śānti Parvan*, lxxiii. 43.)

क्षत्रं वै ब्रह्मणो योनिः योनिः क्षत्रस्य वै द्विज: ॥ (*Ibid.*, 49.)

again

ब्रह्म वर्धयति क्षत्रं क्षत्रतो ब्रह्म वर्धते ।

राज्ञः सर्वस्य चान्यस्य स्वामी राज्ञः पुरोहित: ॥ (*Ibid.*, 70.)

[2] *Śānti Parvan*, lxxiv. 3.

[3] तं चैव लब्ध्वाभिषिञ्चेत्तथा धर्मो विधीयते । (*Ibid.*, lxxiii. 67.)

[4] *Ibid.*, lxxiv. 16.   [5] *J.A.O.S.*, vol. xiii, 151 ff.

disagreement would tend towards agreement in the main. We will take an example of these two reasonings to make ourselves more clear. Both the *Vājasaneyi Saṁhita* (Śukla, *Yajur Veda*, chap. ix. 40 and chap. x. 17 and 18) and the *Śatapatha Brāhmaṇa* contain the following text :

विशा एष वा ।

अमो राजा सोमोऽस्माकं ब्राह्मणानां राजा ॥

Eggeling translates this : ' This (man), O ye (people), is your king ; Soma is the king of us Brahmanas. ' (ix. 4. 3. 16), Jayaswal translates it thus : ' This man, O ye people, is your king, he is Soma, king of us Brahmanas !' (*Hindu Polity*, part ii, p. 30). Again in the *Ratnahavis* portion of the *Rājasūya* sacrifice one of the *ratnins* is mentioned to be the *akṣavāpa*, and this term is translated as the ' keeper of the dice, ' alluding to the game of gambling. Jayaswal again repudiates this explanation on the authority of the *Kauṭalīya* where the *akṣaśāla* and *akṣapaṭala* and similar technical terms occur referring to the keeper of accounts and the hall of the office of the Accountant-General. It is ridiculous for a consecrated monarch to get the approval of a gambling officer and we agree with Jayaswal that it does not at all point out to the officer of dice but of accounts, finance being the vital department for any administrative machinery.

By way of illustration as to the second reasoning, viz., the confusion of texts themselves, the *Aitareya Brāhmaṇa* rules (viii. 24-25). ' Verily the Gods do not eat the food offered by the king who is without a *purohita*. Wherefore let the king who wishes to sacrifice place a Brahmana at the head

(पुरो अधोत ।). With this we may compare another text (iv. ii.), (quoted by Jayaswal, *Hindu Polity*, part ii, p. 31) of the *Vājasaneyi Brāhmaṇa Upaniṣad*

' तस्मात् क्षत्रात्परं नास्ति तस्माद्ब्राह्मणः क्षत्रियमधस्तुपास्ते राजसूये ' ।

' Hence there is none above the Ruler, hence the Brahman sits under Kṣatriya in the *Rājasūya*.' Thus whereas in one text the Purohita is placed at the head in the other he is placed under the Kṣatriya. This inconsistency disappears in the light of the following texts :—

In the *Śatapatha Brāhmaṇa*, (Eggeling Trans., v. 4. 4. 15) ' a Brahmana then hands to him the sacrificial (wooden sword . . . .), the sacrificial sword being a thunderbolt, that Brahmana, by means of that thunderbolt makes the king to be weaker than himself : for indeed the king who is weaker than a Brahmana, is stronger than his enemies. . . .' ' Again after the consecration when the king addresses the *purohita* for blessing the latter pronounces five times ' Thou art Brahman.' (*Ibid.*, 4. 4. 9-13). There is a special chapter (*Adhyaya* v.) in the *Aitareya Brāhmaṇa* where the position occupied by the *purohita* is given with instructions in detail. Without the *purohita* who is necessarily a Brahman, a king is not honoured by the gods. *Āpastamba* declares that the Brahman alone must be a teacher, though he knows of Kṣatriya and Vaiśya teachers also. But it must be remarked that a *purohita* was not necessarily a teacher or a *ṛtvik*. But it has been a long-standing practice that the *purohita* some-

times did the, duties of the *āchārya* and *ṛtvik*. Vasiṣṭha, for example, plays all roles in the *Rāmāyaṇa* (*Bala Kāṇḍa*, chap. viii). He officiates as a *ṛtvik* (chap. xviii. 21-24) is engaged in performing *saṁskara* rites for the princes (vi. 128) he is consecrating Rāma. Thus in one and the same person is united the functions of these three. Fick notes some evidence from the Pāli literature to this effect. (*Trans.*, Matra, p. 168 and 169.) It is further seen that his office is ordinarily hereditary and ties of friendship are strong. (*Ibid.*, 170.) The *purohita* is characterized as the *āhavanīya fire*, his wife the *Gārhaspatya*, and his son the *anvāhāvyapacana fire*—the sacred fires leading the king to heaven. Again the *purohita* is Agni Vaisvānara, possessed of five missiles, speech, feet, skin, heart, and organ. Hence he must be adorned and made to feel happy (*Ait. Br.*, viii. 24). The *purohita* is analogous to Bṛhaspati, the *purohita* of Gods. Under his guidance and care a king could overcome his enemiesand make his people contented and prosperous (*Ibid.*, 25). Again ' in whose reign the Brahmana goeth first, ' the people pay homage to him who wins plenty of wealth (*Ibid.*, 26). That Brahman is selected for this office who knows the three *purohitas* and the three appointers. ' Agni is the *purohita*, the Earth the appointer. Āditya is the *purohita*, the atmosphere the appointer, Āditya is the *purohita*, the sky is the appointer' (*Ibid.*. 27). Keith (*H. O. S.*, vol. 25).

Let us now turn our attention to what place the *purohita* is assigned in the estates of the realm in the *Śatapatha Brāhmaṇa*, another important work of this category. In the section called *Ratṇahavis* of the *rājasūya*, the *purohita* figures as one of the recipients of the sacrificial honours. The king goes to his house and prepares a *sap* for Bṛhaspati,—the *purohita* of the Gods. He is one of the Ratṇani (v. 3. 1. 2). Again it is the *purohita* who anoints the king by sprinkling waters on him in front, and prays for the latter's energy and vigour to withstand his enemies (*Ibid.*, v. 4. 2. 1-3). He again hands the *sphya* or wooden sword to him, symbolical of a thunderbolt to overcome his foes (v. 4. 4. 15). So far the functions signify those of a modern Bishop or Archbishop. But his station in the administration was indeed a more exalted one. It is said that the Kṣatriya and the *purohita* make one complete whole. The one without the other is feeble. One is the compliment of the other (*Ibid.*, vi. 6. 3. 12). If both of them are united, that is, if spiritual power is associated with the temporal power, then that state could be all powerful. Thus the inconsistency of the texts is only apparent but not a fact. We must not confuse the Hindu conception of spiritual power and its relation to temporal power with that of the mediæval Holy Roman Empire.

Sec. iii. THE ROYAL COUNCIL

The council is an important limb of the central organization and its origin can be traced to very early times. In the Vedic period the business of the council was more complex in character. Professors Macdonell and

Keith remark: ' The business of the council was general
deliberation of the policy of all kinds, legislation so far
as the Vedic Indian cared to legislate, and judicial work.'[1]
But the council of the later days abstained from legisla-
tive and judicial work.   It became purely a consultative
Council, Cabinet to use a modern expression.   This
distinctive feature of the cabinet assumed shape at least
prior to the days of Kauṭalya as can be seen from the
learned discussion on the subject in the *Arthaśāstra*.[2]

In the chamber in which council meetings were
usually held absolute secrecy had to be ensured and the
cabinet therefore met in appointed places.   The cham-
ber was to be inaccessible not only to man but also to
birds and beasts.   Kauṭalya gives a categorical list of
birds and animals which should not be allowed to
frequent the environs of this special chamber.   It was
feared that news would leak out even through them.
This may no doubt be an exaggeration, but still it
demonstrates the extreme need of secrecy in the coun-
cil.   Among the birds and animals mentioned are
parrots, dogs and deer.[3]   These are endowed with cer-
tain instinct by means of which they are capable of
betraying the secrets.   Cases upon cases in illustration
can be quoted from the epics.   In the *Mahābhārata* it is
the dog of Ekalavya which took the Pāṇḍavās to
his master by means of visible signs.   In the *Rāmāyaṇa*
one of the animals which indicated the path through
which Rāvaṇa carried Sītā was the deer.   Again in the
Araṇyaka Parvan, Yudhiṣṭhira abandoned the forest be-
cause the deer at that place indicated to him that that
forest was not worthy of his living there.   Besides
according to the sage Nārada and the *Chandogya Upaniṣad*

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[1] *Vedic Index*, vol. ii, p. 431.   [2] Bk. i, Sec. 15.
[3] *Arthaśāstra*, Bk. i, Sec. 15.

there have been in ancient India masters versed in the language of animals (वाकोवाक्यं) and also of plants.

The same ideas are repeated in the *Mānava Dharma Śāstra*. On the top of a hill, the solitary chamber of the palace, or lonely forests where even birds cannot penetrate, deliberation could be carried on by the king. The idiot, the dwarf, the deaf and the dumb, the limbless, the old, the eunuch, the lunatic, *mlechchas*, the sick and the defective-limbed, were not allowed to be present on any of the four sides of the hall,[1] for through them the secrets might escape. The author of the *Arthaśāstra* is practical in his recommendations. He asks, granting the above precautions are taken, yet is there not any possibility of the information leaking out from the members who sit in deliberation. 'Yes,' says Kautalya, and remarks that any shrewd man could form possible opinions by observing the physical features and gestures of the person or persons consulted. This is evident from the *Rāmāyaṇa* also. When the question of entertaining Vibhīṣaṇa as an ally came up, Hanumān speaks in these terms:

आकारच्छाद्यमानोऽपि न शक्यो विनिगूहितुं
बलाद्धि विवृणोत्येव भावमन्तर्गतं नृणाम् ।   (*Yuddha*, ch. xvii. 63.)

[1] नरात्तौ मन्त्रयेद्विद्वान्न च कैश्चिदुपासितः ।
प्रासादाग्रे शिलाग्रे वा विशाले विजनेऽपि वा ।
समन्तात्तत्र पश्यद्भिः सहास्तेरेव मन्त्रयेत् ।
नैव संवेशयेत्तत्र मन्त्रवेश्मनि शारिकाम् ॥
शुकान्वा शारिका वापि बालमूर्खेजडानपि ।
प्रविष्टानपि निर्वास्य मन्त्रयेद्धार्मिकैर्द्विजैः ॥

Mahābhārata, Ādi Parvan, cliii. 87–89 ; cf. *Śānti Parvan*, lxxxiii. 56–57; *Āśrama*, vi. 22; Śukra i. ll. 484–99 ; Manu, vii. 147–9 ; Yāj., i. 342.

Again in the *Nīti Sāra* :

आकारेणैवचतुरा: तर्कयन्ति परेङ्गितम् ।
गर्भस्थं केतकीपत्रं आमोदेनैव षड्पदा: ॥

Other ways by which secrets might be discovered are carelessness, intoxication, talking in sleep, lust, and other evil habits of the councillors themselves. Hence the *Kauṭalīya* warns that such councillors should be kept under proper guard until the council proceedings should reach a consummation.[1]

The term *mantriparisad* (मंत्रिपरिषत्) means a definitely organized council of ministers who were concerned with the political affairs of the realm. The distinction came to be maintained in later Sanskrit literature especially in the *Dharmaśāstras* and the *Arthaśāstras*.[2] The *Kauṭalīya* mentions this term[3] and refers it to the *Dharma Sāstras* of *Bṛhaspati*, *Manu* and *Uśanas*. This *mantriparisad* was a cabinet of ministers. From early Vedic literature there is evidence to demonstrate that the king in ancient India was no autocrat exercising authority in an irresponsible manner. The Rājakṛts and the Ratnins of the *Brāhmaṇa* literature go to show that some constitutional check was placed on the institution of kingship. Further we hear of the Sabhās, Samiti and Parisad where the king took an active part.

The Parisad of the *Jātakas* is the same as the Parisad of the *Arthaśāstra* literature. The term also appears in the rock-cut inscriptions of Aśoka.[4] Further the Vedic

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[1] आकृतिग्रहणमाकार: । तस्य संवरणं आयुक्तपुरुषरक्षणमाकार्यका-
लादिति । तेषां हि प्रमादमदसुप्तप्रलापकामादिरत्सेक: । प्रच्छन्नोऽवमतो
वा मन्त्रं भिनत्ति । तस्माद्रक्षेन्मन्त्रम् । (*Arthaśāstra*, Bk. i, Sec. 15.)

[2] *Vasiṣṭha*, iii. 20.   [3] Bk. i, Sec. xv.
[4] The *Shāhbāzgaṛhi Rock* and the *Mānsehrā Rock*, III and IV.

term *Rājakartāraḥ* continued in the same meaning both in the Pāli canon and in the epics. In the *Rāmāyaṇa*[1] on the arrival of Bharata from his uncle's house the Rājakartāraḥ presented themselves before him to crown him. It is not unreasonable to assume that these functionaries were the chief ministers of the state and had a place in the *mantri-pariṣad*. The law-givers such as Manu, Yājñavalkya and Kātyāyana assign a fitting place to this assembly which the king was bound to consult before he could enter upon any undertaking, or give his verdict on a suit.[2] Even in matters of urgent public importance the king could not and must not act on his own initiative. He must summon all his councillors and decide on the expert advice of his best men.[3]

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[1] ततः प्रभातसमये दिवसे च चतुर्दशे ।

समेत्य राजाकर्तारो भरतं वाक्यमब्रुवन् ॥ (*Ayodhya Kāṇḍa*, lxxix. 1.)

[2] Manu, vii. 30–31; Yāj., i. 311.

[3] यद्यूयिष्ठाः कार्यसिद्धिकरं वा ब्रूयुः तत्कुर्यात् ।

(*Arthaśāstra*, Bk. i, Sec. xv.)

Here the word ' यूयिष्ठाः ' has been interpreted by all scholars as the ' majority opinion '. It is open to doubt whether this construction could be placed upon this term. For we know, taking the *Rāmāyaṇa* for our illustration, that two important councils were held one on the eve of entertaining Vibhīṣaṇa as an ally, and the second by Rāvaṇa on the eve of Rāma-Rāvaṇa-Yuddha. Rāma certainly pursued the way ordained in the *Dharma-śāstras*. Manu lays down that the ministers must be consulted individually and then jointly. (Cf. Kāmand., xi. 68.) This means full discussion was allowed in the council. Every member is entitled to have his say for or against a certain proposition.

In the councils under question decision was ultimately arrived at by the president of the council-assembly Rāma and Rāvaṇa respectively. It was therefore for the President to convert the opposition to his side and thus act on the unanimous decision. This is what happened when Vibhīṣaṇa was taken by Rāma to his side. What we wish to point out is that it is doubtful whether the majority and minority ideas were in existence in very early times.

The earliest literature of the Hindus, the *Rig Veda*, contains unmistakable evidence as to the practice by which a question was generally decided unanimously.[1] In the *Mahābhārata*, 'When the question arises as to which of two sides should be adopted, you should not abandon the many for adopting the side of one. When however that one person cancels the many by virtue of his possessing many accomplishments, then you should for that one forsake the many.'[2] Who is this superior personage is defined by the succeeding *ślokas*.[3] 'Full of prowess and valour, disciplined, respectful and respecting, impartial, *dharmic*, and devoid of *kāma*, *krodha* and *lobha*, humble, and truthful, and self-controlled, tested and tried in all situations, coming of a respected family, associated with the ruling nobles, grateful, is the superior man fit to be consulted, and whose opinion deserves to be acted upon.' Thus the majority rule is not a hard and fast one. In practice it was not acted upon. The words of the superior always carried weight and prevailed upon those of the councillors who were finally brought round to acquiesce in his view. Thus it was unanimity that was aimed at and often realized. Hence the council itself is defined as the 'act of effecting unity of opinion on the part of persons conforming to a master mind.'[4] Unanimity is

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[1] x. 191.

[2] नैकमिच्छेद्गणंहित्वा स्याश्चेदन्यतरग्रहः ।

यस्त्वेको बहुभिः श्रेयान्कामं तेन गणं त्यजेत् ॥

(M. N. Dutt Trans. *Śānti Parvan*, lxxxiii. 12.)

[3] *Ibid.*, 13-16.

[4] स्वामिचित्तानुवृत्तिभिर्मत्यैक्यकारकमैव मन्त्रम् ॥ (*Br. Nīti*, ii. 41.)

the best council, majority the middle, and indecisiveness the worst.[1]

The duty of this council of ministers became probably widened in course of time. Kāmandaka speaks of five characteristics of deliberation proper (the *mantra*)—mantrins, debate, division of time and place, and remedy against dangers. The functions allotted to each is then elaborately described.[2] According to Kauṭalya the council took cognizance of four things. These are commencing new works, completing works already begun, improving works already accomplished, and carrying out resolutions precisely.[3]

In the *Śukranīti*, its functions seem to have been enlarged. It was held responsible for all affairs affecting the state or its subjects in point of arms, finance, sound government and the rooting out of the enemies.[4] On the procedure of this assembly the *Śukranīti* has interesting observations of which Jayaswal gives us a summary : ' Without a written document no business of state was done. A matter was endorsed first by the home minister, the lord chief-justice, the minister of

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[1] एकमत्येन दण्डनोतिनेत्तेण घोरैर्मन्त्रिमिर्योमन्त्र: स उत्तम: ।

पूर्वं बहुबुद्धय: पश्चादेकमतयो भवन्ति यत्र समध्यम:।

यत्र कलहम्भर्त्सनं च एकस्य धर्म एकस्यार्थे स्त्रीबालवृद्धे: सह एकस्य
रदितमेकस्य क्रोधो यस्मिन् सोघम: ॥ (*Ibid.*, iv. 34-36.)

[2] xii. 36-40.

[3] अकृतारम्भा, आरब्धानुष्ठाना, अनुष्ठितविशेष and नियोगसंपत् ।
(*Arthaśāstra*, Bk. i, Sec. 5.)

[4] राज्यं प्रजा बलं कोशा: सुनृपलं न वर्धितम् ।
यन्मन्त्रतोऽरिनाशस्तेर्मन्त्रिभि: किं प्रयोजनम्॥ (ii. 83.)

Law, the minister of diplomacy with the fixed style :
" This is not opposed to us " i.e., their departments had
no objection. The minister of Revenue and Agriculture
endorsed with the remark " The note is all right." The
minister of finance : " Well considered "; then the presi-
dent of the council inscribed in his own hand, " Really
proper." Next the *pratinidhi* wrote : " Fit to be
accepted " : the *yuvarāja* following with " Should be
accepted ", in his own hand. The ecclesiatical minister
endorsed " This is agreeable to me ". Every minister
affixed his seal at the end of his note. Finally the
king wrote "Accepted", and set his seal. He was
supposed to be unable to go through the document
carefully and the *yuvarāja* or some one else was to
make this endorsement for him which was shown to
him. After this first stage was over the minute was
signed by all the ministers as the council (*gaṇa*)
and sealed with the seal of the council. Finally it
was once more presented to the king who " without
delay " wrote " seen " as he had not the " capacity " to
criticize it."[1] On this Jayaswal remarks very pertinently :
" The set endorsements are all in Sanskrit. This im-
plies that the procedure belongs to the period of the
Sanskrit revival which is now to be dated in the light of
the history of the Śuṅga revolution between 150 B.C.
and 100 A.C."[2]

To this procedure Kauṭalya adds that if some mem-
bers are to absent themselves being away from the city or
otherwise, their opinions too must be taken by the use
of special writs.[3] This is surely not vote by proxy as

[1] *Hindu Polity*, part ii, pp. 138–39 ; Śukra, ii. 362–69.
[2] Cf. *J.B.O.R.S.*, iv, pp. 257–65 : Kāmand, xi. 60–64 ; Yāj., i. 312 ; *Bṛ.
Nīti*, iv. 34. 44 : *Hindu Polity*, part ii, p. 140 (foot-note).
[3] *Arthaśāstra*, Bk. i, Sec. 15.

some would suggest.   But the point is that they might offer some useful counsel.   Their opinions would be discussed as those of others who were present and a unanimous decision was arrived at.

It would be interesting to compare it with what is found in the great epic.   The king shall deliberate with not less than three councillors and ponder over their respective views in the first day.   On the next day he must speak out the results of his own deliberation over their views to the cabinet.   The conclusion arrived at on this day must again be submitted for the approval of the *purohita*.   If it should win his approval,[1] the thing is taken for granted to all intents

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[1] संविनीयमदक्रोधी मानमोष्र्यां च निर्वृता: ।

निर्यं पञ्चोपधातीतैर्मन्त्रयेत्सह मन्त्रिभि: ॥

तेषां तयाणां त्रिविधं विमर्शं विबुध्य चित्तं विनिवेश्य तत्र ।

खनिश्चयं तं परनिश्चयं च निर्दर्शयेदुत्तर मन्त्रकाले ॥

धर्मार्थकामञ्जुपेत्यपृच्छेद्युक्तो गुरुं ब्राह्मणमुत्तरार्थं ।

निष्ठाकृता तेन यदासह:स्यात्तं मन्त्रमार्गं प्रणयेदसक्त: ॥

Śānti Parvan, lxxxiii. 52–54 ; cf. Yāj., i. 310 and Manu, vii. 56–57.

In the verses quoted above it is said that such of the councillors who are admitted to the cabinet must be those who have completely satisfied the five tests (पञ्चोपधा:) The term उपधा: is of great constitutional importance in Kauṭalya's *Arthaśāstra.* Kauṭalya mentions only four kinds of *Upadhas* (उपधाभिश्चतुर्विधा). These are धर्मोपधा; अर्थोपधा: ; कामो-पधा:, and भयोपधा: ॥ He recommends what the *Mahābhārata* recommends

सर्वोपधाशुद्धान् मन्त्रिण: कुर्यात् । (Bk. i. Sec. 10.)

While Kauṭalya speaks of only four *Upadhas* the *Mahābhārata* mentions five kinds. In this context the *Kauṭalīya* mentions another term

and purposes.   The results of the consultation are sent
to the corporate bodies in the state and also the
president[1] of such bodies severally and separately.   For
the end and aim of this *mantra* is to make the people at
large contented.[2]   Though the king is expected to
favour the majority view of the cabinet still that the
opinion of the superior prevailed ultimately is seen from
the fact that the view is submitted to the *purohita*.

This bears eloquent testimony to the form of consti-
tutional monarchy in practice at least in the early
centuries before the Christian era.   The above procedure
shows that the virtual ruler was the 'royal writ' rather
than the king himself.   Has the king no powers to make
the procedure null and void?   Personally he could not.
But he could issue an appeal to the sovereign assembly
of the realm which goes by different appellations of a
sabhā, or a *rāṣtra*, or a *jānapada*—all terms connoting
one and the same institution of the assembly, where the
people's representatives sat and which it is the duty of
the Pariṣad or the deliberative council to satisfy, lest it

पञ्चसंस्था: or the five institutes connected with the Intelligence Department.
These are explained as the institute of fraudulent disciple (कापटिक:),
of recluse (उदास्थित:), of a householder (गृहपतिक:), of a merchant
(वैदेहक:), and of an ascetic (तापस:) Bk. i, Sec. 11.

Evidently the passage in question in the *Mahābhārata* refers to the
पञ्चसंस्था and the four *upadhas*.   Parimēḷalagar mentions the same four
Upadhas as find mention in the *Arthaśāstra* in commenting on the follow-
ing of *Tirukuṛal*.

அரிஒபொருள்விளையுஞ்சுரம் ஏகவிளே
 நிறுஒதிகிிற ஒருபுஒழி (501)

[1] *Ibid.*, lxxxv. 12.

[2] *Ibid.*, lxxxiii. 55.   प्रजासंग्रहणे समर्थ:

should jeopardize its own position. In this and other directions the inscriptions of Aśoka throw welcome light.[1] 'They (the ministers) should act in such a manner that they would be favoured by the approval of the Jānapada assembly.'

This shows that the position of the ministers was secure so long as the sovereign assembly had confidence in them, and it would be jeopardizing their position if they acted otherwise. This is also evident from the Jungadh Inscription[2] where Chakra-Pālita, the minister of Skanda-Gupta, gives utterance to similar opinion.

Besides the *mantri-pariṣad* which we have taken as the state-council, we find another institution of greater importance. This, we may characterize, as the secret council of the chief ministers more closely in the confidence of the ruling monarch. The *Arthaśāstra* assigns to this smaller but more influential body several functions of state. It was perhaps a purely deliberative body, the *mantri-pariṣad* being deprived of this power in course of time as it became a rather unwieldy body. We hear in the *Mahābhārata* that this latter assembly consisted of as many as thirty-seven members. According to the extreme political philosopher Kaṇika it is no matter for secrecy if the thing goes beyond six ears. Hence Kaṇika would not allow more than three persons to deliberate on the vital affairs of the state.[3]

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[1] ते सं ये अभिहालेव दंडेव अतपतिये मे कूटे किं ति लजूक अखथ अमौतकंमानि पत्रतयेवूति जनस जानपदस हितसुखं उपदहेवु, अनुगहि-नेवु च........ Lauriyā-Ararat Pillar Edict IV.

[2] *F.G.I.,* p. 61.

[3] वीरोपवर्णितात्तस्माद्धमर्थाभ्यामथात्मना ।

एकेन वाथ विप्रेण ज्ञातबुद्धिर्विनिश्चयेत् ॥

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But Kaṇika's ruling was not the standard accepted in ancient India. Or rather, every political philosopher had his own reckoning as to the number of the councillors. Bharadvāja who is quoted by Kauṭalya allows the king to take counsel with himself alone ; and hence his conception of sovereignty may be characterized as autocracy. Rightly Visālakṣa opposes this view-point, and according to him there must be one or more with whom the king must sit in council.[1] The *Purāṇas* agree in the main when they recommend, ' Neither alone nor with many hold consultation'.[2] Kauṭalya allows from one to four councillors but not more. He is also of opinion that even in cases of extreme necessity the king could not act on his own initiative.[3] According to Bhīṣma however the number of chief councillors who were eligible to sit in the *mantri-pariṣad* were only nine. But it is a moot point whether in Bhīṣma's opinion the smaller body could consist of as many as nine, or a smaller number chosen from this nine, as Law suggests.[4] But there is no warrant for the latter assumption. Perhaps on some occasions as many as nine councillors formed the deliberative body.[5]

तृतीयेन न चान्येन व्रजेन्निश्चयमात्मवान् ।
षड्कर्णेश्छिद्यते मन्त्र इति नीतिषु पठ्यते ॥

<div align="right">(Ādi Parvan, cliii. 91–92.)</div>

[1] *Arthaśāstra*, Bk. i, Sec. 15.

[2] *Matsya*, ccxx. 37 ; *Agni*, ccxxv. 18–20 ; *Kalika*, lxxxiv. 104, 105 ; *Bṛhadaharma*, *Uttarakāṇḍa*, iii. 3.

[3] आत्ययिके कार्ये मन्त्रिणो मन्त्रिपरिषदं चाहूय ब्रूयात् ॥

<div align="right">(Arthaśāstra, Bk. i, Sec. xv.)</div>

[4] *Aspects of Polity*, p. 36.   [5] *Mbh.*, *Śānti Parvan*, lxxxv. 61.

The functions of the smaller council were five according to Kauṭalya. The following five points[1] occupied the major portion of their attention :—

(1) कर्मणां आरम्भोपाय: Ways of beginning a work, (*karma*).

(2) पुरुषद्रव्यसंपत् Resources in men and material.

(3) देशकालविभाग: Judgment in regard to place and time.

(4) विनिपातप्रतीकार: Protection against possible dangers.

(5) कार्यसिद्धि: Final consummation.

Let us now proceed to the examination of the position occupied by these councils in the epoch of the epics. We already noticed the principal eight councillors and the thirty-seven ministers who composed the *pariṣad*. These thirty-seven members are mentioned as follows : Four Brahmans who are well read in the Veda, large-hearted, ripe in scholarship and hence pure ; eight Kṣatriyas who are warriors wearing arms ; twenty-one Vaiśyas who are wealthy and resourceful ; three Śūdras well-disciplined, honest, and tested beforehand ; one Sūta possessing the following eight qualities : of fifty years of age, large-hearted, devoid of jealousy, versed in *Smṛti* and *Śruti*, disciplined, impartial, capable of discussing acts and deeds, not coveteous, and devoid of the seven terrible corruptions of the mind (*vyasanas*).[2]

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[1] *Arthaśāstra*, Bk. i, Sec. xv ; cf. Manu, vii. 56–57.

[2] *Śānti Parvan*, lxxxv. 7–11. The commentator furnishes the following eight qualities : शुश्रूषा, श्रवणं, ग्रहणं, धारणं, ऊहनं, अपोहनं, विज्ञानं, तत्त्वज्ञानं : and the seven *vyasanas*: four as a result of kāma—hunting, dice, women and drinking, and three of anger : दण्डपातनं, वाक्पारुष्यं, अर्थदूषणं. It is

The next question is whether the king consulted all these thirty-seven ministers, and if so, would not the object of the *mantra*, namely, secrecy, be defeated? Political thinkers have given some thought to this question, and there is mention of a smaller number fit to be consulted. But this number was in no way fixed. For in one place it is said that the number must not be less than three[1] and in another five[2] and in a third, eight.[3] The law-giver Manu fixes the number at seven or eight.[4] It is indeed refreshing to note that all the communities find representation on it thus falsifying the easy inference that these political organizations were devised with a view to the detriment of some and aggrandizement of other communities. The commentator defines the eight councillors to be four Brahmans, three Śūdras and one Sūta.[5] Here is proof positive of the inclusion of the Śūdra community in the highest executive machinery of the state. And the inference is irresistible, that the Śūdras worked side by side with the Brahmans in guiding the ship of the state during the storm and stress which were a frequently occurring factor in ancient times. It may also be noted that the two communities—both the ruling and the wealthy ones, the Kṣatriyas and the Vaiśyas, and hence the aristrocratic classes—were excluded from the *mantra*. We are not in a position to assign any definite reasons for the exclusion

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taken by some that one of the qualifications to be a member of the *Pariṣad* is to be aged at least fifty years from पञ्चाशद्वर्षवयसं of the *Mahābhārata*. (*Śānti Parvan* lxxxv. 9.) But this is wrong for this phrase is an adjective qualifying the noun ' Sūta ' only. Hence the age restriction was only in the case of the Sūta and not other members of the *Pariṣad*.

[1] *Śānti Parvan*, lxxxiii. 47.
[2] *Ibid.*, 52.   [3] *Ibid.*, lxxxv. 11.
[4] सचिवान् सप्त चाष्टौ वा प्रकुर्वीत परीक्षितान् । (vii. 54.)
[5] Cf. Śukra, ii, 333-36.

of two powerful and important communities from the sphere of consultation.   But it is reasonable to assume that the members of these aristrocratic classes by virtue of the functions expected of them could not have satis· fied all the qualifications which are expected of a true councillor.   It also indicates the beginnings of a demo- cratic system of Government.[1]

The following is the categorical list of persons who were not eligible for consultation.[2]

He who does not speak the truth, though possessing all the other qualifications, who has intercourse with the enemies of the state, who has no interest in the progress of his own, who is not versed in the sciences, not pure, who is insensible (स्तब्ध), serves the enemies, a braggart, unfriendly, full of the passion of anger and unsatiated desire, an alien though fully qualified, whose father has been un- justly banished though recalled afterwards, and whose property has been confiscated for slight offences.   The following is again the categorical list of those fit for

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[1] The greatness of Indian culture lies in having realized the principle of communalism.   According to Western economic thought, the state, private property and competition are the three necessary conditions which guide the economic life and the activity of society.   The consequence is a disordered equilibrium between labour and capital, or in other words inces- sant class conflicts.   Ways and means have been suggested to avoid this phenomenon by great writers and thinkers.   Socialism, communism, syndicalism, guild socialism and bolshevism are given their due considera- tion to ameliorate the present social and economic conditions.   These would not bear fruit for the principles guiding these socialistic states are again appropriation and exploitation.   But communalism with a decen- tralized policy as it was practised in ancient India is the remedy.   The economic purpose was truly served by dividing the society into a number of castes or class groups.   The liberty of the individual or parentalism of the state as we understand it to-day are not its necessary adjuncts.   But social and political groups in towns and villages co-operated with the central state which resulted in creation and distribution as against the principles of appropriation and exploitation.

[2] *Sānti Parvan*, lxxxiii. 35-40.

consultation. He who is shrewd, with a good grasp and learned, a citizen of the land, pure, and honest of purpose, possessed of wisdom and intelligence, able to under-stand friends and foes, devoted to the king, truthful, well-behaved, of great dignity, sweet and soft, hereditary, he who is contented, agreeable, skilful, is afraid of *adharma*, versed in *mantra* and time and *nīti*, heroic, controlling the world by *sāma* and *dāna*, confided by the *paura* and the *jānapada* bodies.[1] These resemble in the main the ministerial qualifications given by law-givers like Manu and Yājñavalkya.[2]

The various restrictions placed on the process of consultation point to the fact that cabinet secrecy was an essential feature of the ancient administration and also the significant place assigned to the *mantra*.[3] It is said that [4] the progress of the state depends upon the roots of *mantra*, deliberated by the councillors. These should operate in such a manner that the weak spots of their state should not be disclosed whilst those of the enemy could be seen. This aspect of consultation is also noted by Kautalya.[5] They should learn a truth from the tortoise

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[1] *Sānti Parvan*, lxxxiii, 41-47 ; cf. *Br. Nīti*, vi. 6.

[2] vii. 54 and Yāj., 1. 320. Also see Vyāsa quoted in Chandeśvara's *Rājanīti Ratnākara*, p. 12.

[3] Yāj., i. 344.

[4] मन्त्रिणां मंत्रमूलं हि राज्ञो राष्ट्रं विवर्धते ।

(*Sānti Parvan*, lxxxiii, 48.)

[5] नास्य गुह्यं परेविद्युः छिद्रं विद्यात्परस्य च ।

गूहेत्कूर्म इवाङ्गानि यत्स्याद्विवृतमात्मनः ॥

(*Arthaśāstra*, Bk. i, Sec. xv.)

नास्यच्छिद्रं परः पश्येच्छिद्रेषु परमन्वियात् ।

गूहेत्कूर्म इवाङ्गानि रक्षेद्विवरमात्मनः ॥

(*Sānti Parvan*, lxxxiii, 49.)

which draws all its limbs within its shell.   Counsels which are kept close by the counsellors form the armour of the king and the limbs, other subjects of the state. Hence the ministers must heartily co-operate with the king in carrying out the affairs of the state.[1]

We also learn from the Ceylon inscriptions[2] that all administrative measures were issued by the king-in-council.   In the Vevala Katuja inscription of Mahinda IV 'all these lords who sit in the Royal Council and who have come together in accordance with the mandate delivered by the king-in-council have promulgated these institutions.'   The slab inscriptions of Queen Līlāvati shows the creation of a council of ministers, wise and loyal, who released the kingdom from all dangers.[3] Thus whether it was in South India or in the North there was no administration which had not a consultative assembly or council which invariably guided the deliberations of the state.

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[1] *Śānti Parvan*, lxxxiii. 48–51.

[2] *Epigraphica Zeylanica*, vol. i, No. 21, quoted by P. Banerjee in *Public Administration in Ancient India*.

[3] *Epigraphic Zeylanica*, vol. i, No. 14 and also vol. ii, No. 6.

APPENDIX

THE GENERAL ASSEMBLY

There are three significant terms in Sanskrit literature—
sabha, parisad, and *samiti,* the correct interpretation of which
has not yet been arrived at. Different meanings are suggested
but still no satisfactory solution is reached. These are techinical
terms of great administrative importance. स + भा = to shine,
मयासह वर्तते इति—that which shines or is illustrious. This may
be the hall in which meetings were held or the assembly itself
composed of illustrious persons. This term repeatedly occurs
in the South Indian inscriptions and is invariably the governing
body of the village, its jurisdiction however extending over
that village only. Thus it is an important institution of the
South Indian local administration.

The second term *parisad* is परितः + सीदन्ति इति परिषद् = to
sit. This literally means ' sitting round, ' *i.e.*, those who speak
in the assembly. The term परिषदो occurs in the *Rigveda
Samhita*,[1] and Śāyaṇa comments: परितःसीदत आसीनान् The
other term *Samiti* is सम्यक्यन्ति इति समितिः ॥

The Sabha.—Having defined exactly what the meanings of
these different terms are it would be interesting to examine the
composition, constitution and functions of these bodies. Let us
first examine the conception of the *Sabha* in Vedic times. Profes-
sors Macdonell and Keith take the view that the term refers to
both the assembly and the hall in which the assembly met.[2] They
further opine that the hall was also used for purposes of gambling

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[1] iii. 33. 7.

[2] *R. V.*, vi. 28. 6 ; viii. 4. 9. etc. ; *A. V.*, v. 31. 6 ; vii. 12. 1–2, etc. ;
Tait. Sam. iii. 4–8 ; vii. 1–8 ; *Śat. Br.*, ii. 3. 2. 3 ; v. 3. 1. 10, etc. ; see *Vedic
Index*, vol. ii, pp. 426–7.

from the technical term *sabhāsthānu.* The hall was something like our Town Halls where all the public affairs of the state and society were discussed and resolved upon. It was not exclusively in use for state purposes.[1]

The Vedic *Sabhā* was originally composed of aristrocrats, Brahmans and Maghavans. Considering the then state of society which was tribal in character it is too much to expect anything of a democratic preponderance. The *Rig Veda Samhita* has yet another term[2] *Sujāta* or of good birth in support of our statement. There is a passage in the *Maitrāyaṇi Samhita*[3] which throws interesting light on the question whether members of the fair sex were eligible for membership. The passage cited shows their ineligibility. Appropriate to this the Tamil classic *Purapporul Venbāmalai* has a reference.[4] It is said here that when the enemy set the city to fire there was such a bewildering confusion that women rushed to the assembly hall inadvertantly. And this indicates that women even in ancient Tamil Nādu were not admitted to the assembly.

The *Sabha* was then the council of elders, mainly a judicial body like that of ancient Greek city-states. The elders were men of such high character and learning that they evoked respect from all communities. Hence the *Yajur Veda*[5] (*Śukla*) is thus eloquent :

नमः सभाभ्यः सभापतिभ्यश्च ।

They did not forfeit the trust and confidence placed upon them. That this was so for several centuries to come, is evident from the writings of Megasthenes who observes, ' The seventh caste consists of the councillors and assessors, of those who deliberate

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[1] *Tait. Br.*, iii. 4. 16, कृताय॑ सभाविनंम्! । Bhaṭṭabhāskara comments

कृताय=युगाय, सभाविनम्=सभान्तं चूताय सभायामधिष्ठातारम् ।

(*Bibliotheca Sānskrita*, No. 38, pp. 173-4.)

[2] vii, 1. 4.

[3] तस्मान्निरिन्द्रिया ह्योपुमानिनिन्द्रियवान् स्तस्मात्पुमाँस: सभाँयन्ति न स्त्रियो याद्वितरान्त्सोमाजश्रीणीयुर्न पान्नोवतैँस्त्रिय: सभामीयुर्न पुमाँसा

iv, 7. 4. p. 97.

[4] *Vanchipaṭalam, śl.* 14. ' மஞ்சவர்க்கி ஊறுபிம்பட்டா '

[5] xvi. 24.

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on public affairs.   It is the smallest class looking to number, but the most respected on account of the high character and wisdom of its members.'[1]   This is quite in keeping with Kautalya's recommendation of the highest qualifications for councillors. From the technical name *narişța* given to the *Sabhā* in Vedic literature Mr. Jayaswal attaches some constitutional import to it, meaning the resolution of the council as something inviolable and binding on all,[2] basing his interpretation on Śāyaṇa's commentary.

Though we have no direct evidence as to the actual working of the *sabha* still the fact remains that it was presided over in its session by the *sabhāpati*, and it was guarded by a *sabhāpāla*. Originally the *sabhā* was more a court of justice where the king heard and decided cases and disputes.   This is obvious from the occurrence of the terms *sabhācara*[3] and *sabhāsad*, sitter in the assembly.[4]   The Vedic *Sabhā* was more of a legislative and judicial character.   It is said in the *Śatapatha Brāhmaṇa*[5] and also in the *Chāndogya Upaniṣad*[6] that the king went to the *sabhā* as well as the *samiti* possibly to guide its deliberations.   The authors of the Vedic Index seem to read in these passages an interpretation that will nullify the statement of Zimmer,[7] namely, that the *sabha* was the meeting place of the village council with the *Grāmaṇi* as its president.   Zimmer is not altogether wrong as Professors Macdonell and Keith suppose.   In those days when local self-government was the rule and not the exception it was but right that the village had its own *sabhā*.   We must not confuse ourselves with the word *sabhā*.   There were *sabhās* in towns as well as in villages.   But their powers were different.   One was the larger assembly which concerned itself with the general affairs of the state in particular and the other took notice of local matters only.

These village *sabhās* or smaller councils of the village administration often call for notice in South Indian Inscriptions.   These *sabhās* generally met in the temple halls (*sabhāmaṇḍapa*), and

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[1] McCrindle, p. 43.   [2] *Hindu Polity*, part i, p. 18.

[3] *Taiṭṭ. Br.*, iii. 4. 2. Bhaṭṭabhāskara comments on the term सभाचर=

सभायां नियं चरन्तं धर्मप्रवक्तारम्. (*Bibliotheca Sanskrita*, 38, p. 159.)

[4] *V. I.* ii, p. 428 ; *Taiṭṭ. Br.*, i. 2. 1. 26.

[5] iii. 4. 14.   [6] v. 3. 6.   [7] *Alt. Leben*, chap. vi, p. 174.

particularly under a large and shady banyan tree in special platforms constructed for the purpose. The *sabhā* had for its members the village elders, the *bhaṭṭas* (learned men), the *viśiṣṭhas* (straight and moral men), and prominent priests of the temple. Representatives of the merchant class (*nagaraṭṭār*), of the common folk (*urār*), and of the district (*nāṭṭār*) often sat in the *sabhā*. The qualification for the Brahman members of the *sabhā* was to be well versed at least in one of the *Dharmaśāstras* and to have studied at least one whole Veda with its *pariśiṣṭas*.[1] From the Ukkal and other inscriptions[2] it is clear that the institution of the *sabhā* had reached a high degree of efficiency and was in good working order about the tenth and eleventh centuries A.D. The *sabhā* had the following duties among others. It exercised supreme right over the village lands. It was the arbitrator in the disputes arising from the purchase or sale of lands. It confiscated and sold lands of defaulters. It was responsible for the state levy of the village. It raised public subscriptions in the cause of common interests.[3] It obtained loans to meet emergencies such as famine. It had a treasury of its own. It held a supervising control over the various committees of its own in the village, and also over temple accounts. It had the right to punish the internal enemies of the village (*grāmadrohins*)[4]. In a word it did everything to insure the moral and the material welfare of the village.

The Samiti.—The *samiti* in Vedic literature undoubtedly refers to a definite communal institution. Professors Macdonell and Keith take the view of Hillebrandt according to whom the *sabhā* and the *samiti* are much the same. The very name implies a different connotation. It must have been a people's assembly, generally presided over by the king ; and it is just possible that one of its functions was the formal election of the king by giving their unanimous assent of the choice perhaps made by the members of the *sabhā*. Taking for granted this elective character and also the fact of the king presiding over the assembly of the people, it shows that the king was the servant of the people. This also demonstrates that the people had a voice in the administration of the land though it was not definite or assertive in character. But it is certain that this assembly was

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[1] *Bh. Commemo. Vol.* p. 227.
[2] *S. I. I.*, vol. iii, part ii.
[3] *Ep. Report*, 1909, pp. 82–83.
[4] *Ep. Report*, 1910–11, p. 72.

different[1] from the *sabhā* as regards its constitution and function.

The Pariṣad.—Mr. K. P. Jayaswal has made a notable contribution on the subject.[2]   He quotes passages from the *Atharva Veda* wherein it is explicitly stated that the *sabhā* and the *samiti* are separate institutions.   Both of them are described as the two daughters of *Prajāpati*.[3]   But it would be reasonable   to   assume   that   the   *samiti*   and   *pariṣad*   were identical.   This is evident from the *Bṛhadāraṇyaka Upaniṣad*.[4] The institution of *samiti* was not a long-lived one.   It became practically extinct with the commencement of the period of the *Jātakas* (600 B.C.).   But the word *pariṣad* occurs in different senses in the post-vedic period.   It is principally an academy of science and then a royal court.   Even in this latter sense its political function amounted to judicial matters only.   In the traditional usage the term *pariṣad* meant an assembly of learned men to decide legal points and customs of the land.[5]

The   Paura-Jañapada.—There were besides the *Paura* and *Jānapada* assemblies as is evident from the inscriptions of Aśoka not to speak of numerous literary references.   Whenever changes are to be effected in the constitution, or new laws promulgated, the king first got the approval of this body and placed the matter before the council or the public.[6]

The assembly had also the power to demand redress of their grievances at any time, or present compensation bills for losses sustained.[7]   It is said that when the council refused to execute the king's orders as regards certain gifts he placed the matter before the assembly.   From this we may infer two facts.   There were two political institutions, one the council and the other the assembly.   The first was known by different terms.—*pariṣad, rajukas* (Aśoka's inscription), etc.; and the latter by the *paura-*

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[1] Cf. Zimmer's *Alt. Leben*, chap. vi, pp. 174-176 where there is a learned discussion on the subject.

[2] *Hindu Polity*, vol. i, pp. 11–21.

[3] सभाचमासमितिश्चावतां प्रजापतेर्दुहितरौ संविदाने ।

येना संघच्छा उपमा स शिक्षाश्चार बदानि पितरःसंगतेषु ॥ (vii. 12. 1.)

[4] vi. 2.   [5] Vasiṣṭha, iii. 20; Manu, xii. 3.

[6] Girnār Rock viii, Kālsi Rock viii, Dhauli Rock viii.

[7] Yāj., ii. 36; Manu, viii. 40.

Janapada, rāṣtrā, pragraha sabhā,[1] *prakṛti* of the *Śukranīti*, or *prakṛti sabhāsad*[2] or simply *sabhā*.[3] Functions practically remained the same though the designations often underwent some transformation.

But Dr. Law has taken objection to the use of *Paura* and *Jānapada* as corporate bodies at all. He examines both directly and indirectly all the evidence adduced by Jayaswal and comes to the conclusion that there is no ground whatsoever to understand these two terms as technical terms signifying any corporate associations. In every place whether in the texts or in the inscriptions they simply mean people of the town and the country.[4] We are afraid that Dr. Law is rather dogmatic in his statements. In some places they may mean what he says. But still to totally deny the existence of such oraganized bodies of citizens is to miss the mark altogether. The audience of His Majesty by the people must not be and could not be so cheap and easy as Law would imagine. It is to deprive the office of kingship of all dignity whatsoever. The king may do justice and judgment to a very poor and insignificant citizen ; but it does not mean that the king allowed any indiscriminate interview of any of his subjects aggrieved or no. It would not, on the face of it, be a working principle. The fact is that there were what were known as group organizations both in towns, and the country parts and their representatives on behalf of the public of the city or the commonality of the realm, pleaded before the king for redress of this or that grievance. Hence it is far more reasonable to take them to be corporate associations which were highly respected as popular bodies both by the king and his ministry. They were often consulted so that there might not be any room for dissatisfaction among the public at large. This is borne out by the certain evidence of the inscriptions. Most of the interpretations which Law proposes are highly doubtful. The term *Paura-Jānapada* which so often occurs in the political and historical literature of the Hindus also occurs in the various inscriptions.[5]

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[1] *Rāmāyaṇa, Ayodhya Kāṇḍa*, lxxxi. 12 ; and lxxxii. 1–4.

[2] *Ibid.*, lxxxii. 4–17.   [3] *Mahābhārata*, xii. 83. 1–2.

[4] *I. H. E.*, vol. ii, Nos. 2 and 3.

[5] The Inscription of Rudradaman ; *Ep. Ind., Lüder's list* ; 965, Fleet, *G.I.*, vol. iii, p. 60 ; the Kalinga Edict of Aśoka ; Aśoka Pillar Edict iv ; Rock Edict, viii, (Girnār) the Kharavela Inscription, *J.B.O.R.S.*, vol. iii, p. 456.

Not the least interesting is that similar organizations are also mentioned in Tamil literature. In the *Perumkathai*[1] we meet with two terms "நகரமும், சபையும்," along with *aimperumkulu* and others who came to attend the festivities of Naravānan's birth-day. The Sanskrit equivalents of these two terms are *Paura* and *Jañapada*, representative assemblies of the people and not the mass of citizens. Whenever the latter is to be mentioned the expression is நகர மக்கள் meaning not a corporation but a great body of all citizens.

The Sabhā in Later Times

Coming to the position that the *sabhā* occupied in the Epics[2] it is interesting to see that the judicial character of it becomes increasingly dominant. We see that the king presided over this assembly invariably, but in his absence the prime minister presided over the meetings of the council. In the *Harṣacharita* we see that when Rājyavardhana died, it was the prime minister *Bhāṇḍi* who presided at the meeting convened for the purpose of selecting his successor.

The qualifications of the *Sabhā* members are striking. It is Draupadī who says that[3]

' it is no *sabhā* where there are no elders: they are not elders who do not speak the *dharma* : it is not *dharma* if it is not founded on truth ; it is no truth if it is combined with fraud.' The *Jātaka* contains a similar verse.[4]

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[1] v. 6. 39.   [2] See for more details *J.A.O.S.*, xiii, pp. 148-49.

[3]
न सा सभा यत्र न सन्ति वृद्धाः

न ते वृद्धा ये न वदन्ति धर्मम् ।

नासौ धर्मो यत्र न सत्यमस्ति

न तत्सत्यं यच्छलेनानुविद्धम् ॥

(*Mbh.*, *Sabhā*. lxxxix. 65.)

[4]
नसा सभा यत्थ न संतिसंतो

न ते संतो येन भणन्ति धंमं ।

रागं च दोसं च पहाम मोहं

धंमं भणताच भवन्तिसंतो ॥ (See *Hindu Polity*, i, p. 19.)

The *Sabha* consisted of all castes and classes. The Kṣatriyas are there conspicuous. Bhīṣma and Vidura who are Kṣatriyas and Droṇa, Bharadvāja and Kṛpa (Brahmans) are among those present.[1] These were well disciplined by the *Sāstras* and highly respectable. Draupadī raised a point of law before this august assembly of sages, ministers, and courtiers, whether Yudhiṣṭhira had the right to pawn her after he had himself become a slave.[2] Bhīṣma justifies Yudhiṣṭhira's right by saying that the technicalities of *dharma* are too subtle.[3] Karṇa, Duśśasana, and Duryodhana justified the action on the part of Duśśāsana to drag her by force into the open court though she was sparsely dressed and in her periods. But Vidura sympathized with Draupadī and appealed to the assembly for an impartial consideration of the question without fear or favour but with an eye to *dharma* and *satya*. He asks every member to speak out his opinion according to his knowledge and judgment free from *kāma*, *krodha*, and other undesirable influences. He further expatiates on the point and says[4] that he who is a member of the assembly and fails to give out his opinion or distorts the law when asked for, comes close to being a liar and quotes the classic discussion between Prahlāda and the sage Angirasa on this point. Vikarṇa, one of the brothers of Duryodhana, associated himself with the views of the sage Vidura. Bhīṣma accepts the position as a most difficult one and accepts also his inability to give a decisive reply, but added that

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[1] इमे सभायां उपनीतशास्त्राः

क्रियावन्तः सर्वे एवेन्द्रकल्पाः ।

गुरुस्थानागुरवश्चैव सर्वे

तेषामग्रे नोत्सहे स्थातुमेवम् ॥ (*Sabhā Parvan*, lxxxix. 48.)

[2] *Ibid.*, lxxxix. 19.   [3] *Ibid.*, lxxxix. 59-61.

[4] यो हि प्रश्नं न विब्रूयाद्धर्मदर्शी सभांगतः ।

अनृते या फलावाप्तिः तस्याः सोऽर्धं समश्नुते ॥

यः पुनर्वितथं ब्रूयाद्धर्मदर्शी सभांगतः ।

अनृतस्य फलं कृत्स्नं स प्राप्नोतीति निश्चयः ॥

(*Sabhā Parvan*, xc. 64-65.)

Yudhiṣṭhira himself is the best and final authority on the sub-ject.[1]   Duryodhana too acceded to this position and ordered that every one of the five husbands could speak on the point.   On this the members became extremely happy and loudly applauded him by signs of eyes and lips.   But a few became distressed and cried ' Oh, Alas !'   Bhīma spoke hot when Bhīṣma, Droṇa, and Vidura asked him to forbear.   Karṇa replied Bhīma hotly and Vidura spoke of the prosecution of *dharma* in the *Sabhā* and insisted that Draupadī's position was the right one.   He added that if this were overlooked the prosperity of the state would come to an end.   Moved by Draupadī and, others, Dhṛtarāṣṭra released the Pāṇḍavās with Draupadī from slavery and asked them to be friendly with the Kurus by ruling at Kāṇḍavaprasta.[2] This shows how the business of the assembly was usually con-ducted.   That ladies could take part in the assembly discussion is seen from the fact that Maṇḍodari goes to Rāvaṇa's court after the death of Prahasta and dissuades him by several argu-ments to desist from fighting Rāma.[3]

Hārita's classification of the sabhā.—There is an interesting chapter (V) in Chaṇḍeśvara's *Rājanīti Ratnākara* which further throws light on the *sabhā* and its constitution.   This is not an original work but a compendium of the various *smṛti* texts.   Hārita is quoted.   According to him there are four kinds of *sabhā*: *pratiṣṭīla, apratiṣṭila, mudrila,* and *śāsila*.   It is प्रतिष्ठिता if it were established by the king himself in his royal domains ; अप्रतिष्ठिता if it were a voluntary organization of the villagers, मुद्रिता if established by the king's secretaries or judges, and शासिता if established by the king himself by a royal writ. The *sabhā* is likened to an organism.   The head is the king, the face secretary, the arms members, the hands *śāsta*, knees account-ants and scribes, eyes gold and fire, and feet servants.   Each of these ten members has its own individual and collective functions to perform.   The secretary is the speaker, the king is the person who finally decides, members discuss questions of policy, *smṛti* is the law, gold and fire are for oath, the accountant counts the *artha*

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[1] *Sabha Pravan*, xci. 14-21.   [2] *Sabhā Parvan*, xcii and xciii.
[3] *Yuddh.* see after chap. lix, two *prakṣipta* chapters.

or wealth, the scribe is the writer of writs and orders, witnesses are servants, *anagnakau* (अनग्रकौ) are the plaintiffs and defendants. The judicial aspect of the assembly would be more fully treated under the chapter on the administration of justice.

Assemblies in Tamil literature.—It would be certainly interesting to study what sort of assemblies and councils were prevalent in ancient South India. The *Śilappadikāram* and the *Maṇimekhalai* are two classical treatises which are a mine of information for reconstructing the history and social life of ancient Drāvida. A study of these and other classical treatises shows that there must have been five big assemblies. (1) The representative assembly of the people acting as a check on the ruling chieftain (மாசனர்), (2) the assembly of the ministers of religion, (பார்ப்பனர்), (3) the assembly of physicians perhaps a Board of Public Health (மருத்துவர்), (4) the assembly of astrologers (கணிச்சர்) and (5) the assembly of ministers for revenue and judicial administration of the state (அமைச்சர்).

There are two technical terms in Tamil literature which connote great political significance. These are ' இம்பெருங்குழு ' and "எண்பேராயம்." These terms occur jointly and severally in different places in different treatises.[1] The term ' குழு ' which is another term for ' அவை ' occurs in *Tolkāppiyam* (*kilavi*, *sūtra* 57), and means simply an assembly. There are two interpretations for both the terms. One interpretation for the term இம்பெருங்குழு is that given above, and the other has already been noticed.[2] The two interpretations for எண்பேராயம், otherwise known as ' எண்பெருங் கணீவர் ' are as follows : ' (1) கணக்கியலவர் (account officers), (2) கருமவிகைகள் (heads of the executive) (3) கனகச்சுற்றம் (officers of the treasury), (4) கடைகாப்பாளர் (palace-guards), (5) நகரமாந்தர், (citizens of the capital), (6) படைத்தலைவர் (leaders of army divisions), (7) யானைவீரர், (elephant men), (8) இவுளிமறவர், (mounted warriors).[3] The *Tamil Lexicon* renders கடைகாப்பாளர் on the authority of *Divākaram*, watchman at a gate.'[4] In our opinion this term may be identified with the Sanskrit *Kṣattr* meaning ' chamberlain '. The other

[1] *Śilappadikāram*, 3. 126 ; 5. 157 ; 26. 38 ; *Maṇimekhalai*, 1. 17 ; *Peruṅkathai*, ii. 5. 6 ; *Ibid.*, 13. 3 ; iv. 9. 5 ; v. 6. 37.

[2] *Supra*, p. 125.

[3] See *Divākaram*. Also *Tamil Lexicon*, vol. i, part. iii, p. 520.

[4] Vol. ii, part. i, p. 677.

interpretation though interesting is loose. It is " சாந்தபூக்கச் சாலைடாக்கிலை கஞ்சகநெயாய்ந்த விவரென்பராய்த்தார்." These are those who adorned the king with a *tilaka* in his forehead, who decorated him with flowers, who presented to him undergarments and other clothings, who offered him betels and betel leaves, who attended to his upper dress and who offered him ghee. This interpretation bears no political interest except the fact that the commentator's outlook of the state was too narrow. From references to the texts where these occur, we are led to infer that the இம்பெருங்குழு were those people of royal *entourage* who followed the king in public tours, processions, festivals and so forth. The எண்:பராயம் refers to the machinery of government, and on special occasions their representatives also joined the *aĩmperuṃkuḷu.*

CHAPTER IV

FISCAL ADMINISTRATION

Sec. i. SOURCES OF REVENUE

Revenue in ancient India was derived partly from taxation and partly from sources other than taxation. An appreciable proportion of revenue came from the land, the principle governing this being that a fixed share of the produce of the land should be given to the state either in cash or in kind, preferably the latter. It was generally one-sixth of the produce. This seems to have been a *fixed* legal tax for the same rate is repeated in the epics, in law-books, the *Arthaśāstras* and even in miscellaneous literature including *kāvya* and the dramatic works.[1] On this account one of the king's names was the sixth-taker (*ṣadbhāgabhak*). In later times he was called *ṣadamśavṛtti*, one who depended for this living on the sixth part.[2] The classical Tamil work *Kuraḷ* mentions the same rate.[3]

But this rate was but the maximum allowable ; for Gautama speaks of three different rates, one-tenth, one-eighth, and one-sixth, to be taken from the land. Manu's rates are one-twelfth, one-eighth, and one-sixth.[4] Sukra shows himself a sound economist and practical statesman when he recommends one-half from one-third

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[1] *Śānti Parvan*, xxiv. 16 ; lxviii. 27 ; *Viṣṇu*, iii. 10.

[2] See *History of India*, part 1, p. 27, by P. T. Srinivasa Aiyangar, (Third Edition.)

[3] "தென்புலத்தார் தெய்வம் விருந்தொக்கலென்றாங்கு ஐம்புலத்தாறோம்பல்." 43.
This indicates how tradition has been a potent force in India from very early times.

[4] Manu, vii. 130

of the produce from the fields irrigated by tanks and wells (irrigation being undertaken by the state), one-fourth from lands which depend for water mainly on rainfall,[1] those richly fed by rivers and streams, and one-sixth from other soils—a sort of graduated taxation according to the nature of the soil and the cost of water-supply. Kauṭalya recommends one-third, or one-fourth, only in cases of financial stringency, but this impost was not to affect the middling, or the inferior qualities of land, and again the field-labourers and forest tribes. In order to realize more revenue it is said that the revenue-officer commonly prevailed upon the labourers to raise summer crops also and thus to increase the produce, so that the one-sixth part to the king might increase in amount.[2]

In the opinion of modern Western writers like Sir John Strachey and John Stuart Mill, the land-revenue of ancient Hindu administration did not enter into the sphere of taxation so-called. Evidence, literary and epigraphical, points to the fact that the king was not regarded as the proprietor of the land. The idea that the state owned all land was the feudal conception of the land-law prevalent in western Europe in the middle ages. Ancient Indian literature speaks eloquently of the rights of private property in land. There are a number of texts in favour of this statement—Nīlakaṇtha, Mādhava, Kātyāyana and Mitramiśra.[3]

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[1] Śukra, iv. 2. 113–15.

[2] कोशमकोश: प्रत्युत्पन्नार्थकृच्छ्र: संजृम्भोयात् । जनपदं महान्तं अल्प-प्रमाणं वा देवमातृकं प्रभूतधान्यं धान्यस्यांशं तृतीयं चतुर्थं वा याचेत । यथासारं मध्यमवरं वा.........अल्पप्राणं वा न याचेत । ....
समाहर्तृपुरुषा: ग्रीष्मे कर्षकाणां उद्वापं कारयेयु: ।

(*Arthaśāstra*, Bk. v, Sec. 2.)

[3] See Jayaswal, *Hindu Polity*, part ii, pp. 17 ff.

Granting then that the institution of private property in land existed, it is necessary to examine the position of the state in relation to these lands. The king had nothing more than protective control over the practice of *dharma* both in his state and the subject-states as well.[1] This means the central state had the right to punish the misbehaved in their kingdom including the tributary states. On the strength of this Rāma argued that he was right in killing the unrighteous Vāli.[2]

There is also the fact of the existence of crown lands, (स्वभूमिः) that is, lands owned by the state and cultivated under the direct superintendence of the state[3] (*sītādhya-kṣa*). From the existence of this office certain writers have wrongly inferred that the state was the owner of all land. Such inference confuses the real issue involved. We must make a distinction between crown lands and private lands. If this were made, the other question is automatically solved. That the right of lordship to the private lands was confined only to protective control is further obvious from a statement of the *Kauṭalīya*.[4] This means that if a king has received wages in the shape of taxes and does not afford protection, then, that king might be abandoned, and another might be chosen in his stead.[5]

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[1] *Sānti Parvan*, lvi. 42.

[2] इक्ष्वाकूनां इयं भूमिः सशैलवनकानना ।

मृगपक्षिमनष्याणां निग्रहप्रग्रहावपि । (*Kiṣkindā Kāṇḍa*, 18. 6 ff.)

[3] *Arthaśāstra*, Bk. ii, Sec. 24.

[4] 'राजानं अनुग्रहं याचामहे । निरनुग्रहाः परत्र गच्छाम इति' ।

(Bk. xiii. 1.)

[5] The *Mahābhārata* mentions six persons that are to be abandoned : 1. A teacher who does not teach. 2. A Brahman not versed in the Veda. 3. A king who affords no protection. 4. A wife who is not a loving partner. 5. A cowherd who desires to live in the village 6. A barber who wants to live in the woods.—(*Sānti Parvan*, lvi. 43–5.)

From this it would appear that the king was only a servant of the people and his duty was to keep law and order for which he was paid wages in the shape of taxes. A similar idea is expressed in a stanza of the *Purapporul Venbāmālai*.[1] There it is said that the king who is expected to receive one-sixth of the produce must afford protection by following the path pursued by his forefathers. If he should misbehave, two courses were open to the people. First they might join in an open revolt and have the king deposed and substitute another on the throne. Or the allegiance which the people owed to this unrighteous monarch might be transferred to another, wellknown for the practice of *dharma*. These further confirm the fact that the king held no proprietary right over the soil of the land. The Government was then a contract of service entered between the subjects of the state and the sovereign power, for they had the right to terminate the contract at any period or time.

This is borne out by a whole chapter of the *Śānti Parvan* of the *Mahābhārata*. To Manu, the first king, people agreed to give as wages of protection, one cow for every fifty cows bought or sold, one-fiftieth of gold, one-tenth of grains, besides other favourable terms.[2] Bhīṣma on the authority of Bṛhaspati and others characterizes this idea as very important and equalizes protection with the *rājadharma* itself.[3] The means towards the end of protection are then narrated ; policemen and servants, gifts intime and place, reasonable demands, valour,

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[1] ஊற்றின் அகைசயுள் வைகயுயிரோம்பி
    பாரிபொருந்குள தனிக்குன்றி-மாநின்றி
    வாகைசரவில் கொராகுடாள் அறிநின்ற வைகஜுச்
    ஜரகைசரவில் கொராகுட்டிருந். 179.

[2] Chap. lxvi. 23-29.

[3] Chap. lvii. 1 and 4.

skill and truth on the part of the king, dissension among the enemies, proper justice, protecting the good, collecting the grains, serving the learned, increasing the treasury, enthusiasm among the soldiers, good means of defence, diplomacy, self-confidence, in a word, pursuit of *nīti* and *dharma*.[1]

It was realized that the spring of all action is wealth. It is the perennial source of all *dharma*,[2] and in the *Rāmāyaṇa* the importance of *artha* to *dharma* is well brought out by the speech of Lakṣmaṇa addressed to his brother Rāma in the field of Laṅka.[3] Friends, relatives, manhood, learning, strength of will, wisdom, greatness and goodness, are all said to be the natural

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[1] Chap. lvii. 5–12.   [2] *Vana Parvan*, xxxiii. 48.

[3] अर्थेभ्यो हि विवृद्धेभ्यः संवृत्तेभ्यस्ततस्ततः ।

क्रियाः सर्वाः प्रवर्तन्ते पर्वतेभ्य इवापगाः ॥

अर्थेन हि विमुक्तस्य पुरुषस्याल्पतेजसः ।

व्युच्छिद्यन्ते क्रियाः सर्वा ग्रीष्मे कुसरितो यथा ॥

सोयमर्थं परित्यज्य सुखकामः सुखैधितः ।

पापमारभते कर्तुं ततो दोषः प्रवर्तते ॥

यस्यार्थास्तस्य मित्राणि यस्यार्थाः तस्य बान्धवाः ।

यस्यार्थाः स पुमान् लोके यस्यार्थाः स च पण्डितः ॥

यस्यार्थाः स च विक्रान्तो यस्यार्थाः स च बुद्धिमान् ।

यस्यार्थाः स महाभागो यस्यार्थाः स महागुणः ॥

अर्थस्यैते परित्यागे दोषाः प्रख्याहृता मया ।

राज्यमत्सृजता वीर येन बुद्धिस्त्वया कृता ॥

यस्यार्थो धर्मकामार्थास्तस्य सर्वं प्रदक्षिणम् ।

अधनेनार्थकामेन नार्थः शक्यो विचिन्वता ॥

corollary of wealth (*artha*). To a man whose wealth
is on the increase, work undertaken goes on as a rivulet
from the hills. To a man of no wealth, however, works
undertaken prove impossible as water in a summer river.

It is then clear that *artha* is useful, nay, indispensable
for the moral and the material progress of the land.
What are the sources from which the king generally
enriched his treasury ? Mention has already been made
of the traditional land revenue which contributed the
major portion of the income to the state. Inscriptional
evidence proves mild rates of land-assessment (*kānikka-ḍan*), about the commencement of the eleventh century
in the Chola kingdom of South India. It was roughly
100 kalams per *veli* (about 6½ acres), equal to about
80 kalams of the present day,[1] in kind from good
lands, and fifty to eighty from less fertile ones. In
cash it varied from four to nine *kaḻañju* of gold. The
revenue assessed was invariably in proportion to the
produce : dry-lands one-fifth, and wet-lands one-third.[2]
Those who were in charge of the land revenue are called
the *dhruvādhikaraṇas* (No. 38 of Fleet). The tax-collectors were generally known as the *Utkhetavita* in an
inscription of Bhāskaravarman.[3] Other sources of
revenue to the state were from commerce, forts, transports,
mines, salt, *śulka*, ferry dues, fines and the produce of
forests. Added to these heads of income are the volun-tary contributions, tributes from the subject states, and
unclaimed property.[4]

हर्ष:कामश्च दर्पश्च धर्म:क्रोध: शमो दम: ।

अर्थादेतानि सर्वाणि प्रवर्तन्ते नराधिप ॥ (*Yuddh.* lxxxiii. 32-39.)

[1] S. K. Aiyangar, *Ancient India*, pp. 176 and 182.

[2] *Epigraphica Carnaṭaca*, No. 492 of Mulbagal of Kulottunga I.

[3] *Epigraphica Indica*, xii. 75.

[4] Cf. *Śānti Parvan*, lxxi. 10.

Commerce.—Commerce came in for the largest contribution only next to that of the land revenue. Taxes on commerce were not imposed indiscriminately but on the strength of the difficulty or otherwise, of purchase and sale of goods by merchants, their standard of life and family expenses besides the incidental charges on intermediaries and labour.[1] It varied from one-tenth to one-fiftieth. But one-tenth seems to have been the general rule like the one-sixth for the land tax.[2] Among others which contributed towards the material advancement of the state are mentioned ample means of commerce (प्रचारसमृद्धि:), increased production of grains and gold, and diminution of remissions.[3] According to the *Kauṭalīya* there was a superintendent of commerce (पण्याध्यक्ष:) who would ascertain the demand for various articles and also the rise or fall in their prices.[4] Such of those merchants who dealt in

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[1] विक्रयं क्रयमध्वानं भक्तंच सपरिव्ययम् ।

योगक्षेमं च संप्रेक्ष्य वणिजां कारयेत्करान् ॥

उत्पत्तिं दानवृत्तिं च शिल्पं संप्रेक्ष्य चासकृत् ।

शिल्पं प्रति करानेवं शिल्पिनः प्रति कारयेत् ॥

(*Śānti Parvan*, lxxxvii. 13, 14.)

[2] पञ्चाशद्भाग आदेयो राज्ञा पशुहिरण्ययोः।

धान्यानामष्टमोभागः षष्ठो द्वादश एव वा ।

आददीताथ षड्भागं द्रुमांसमधुसर्पिषां ।

गन्धौषधिरसानांच पुष्पमूलफलस्य च ॥

पत्रशाकतृणानां च चर्मणां वैदलस्य च ।

मृन्मयानां च भाण्डानां सर्वस्याश्ममयस्य च ॥

Manu, vii. 130-32 ; cf. Gautama, 24-27 ; Vasiṣṭha, ix. 26-27 ; Āpastamba, xi. 10: 26. 9, etc.

[3] *Arthaśāstra*, Bk. ii, Sec. viii.   [4] *Ibid.*, Bk. ii. 16.

22

foreign merchandise were generally favoured by remission of taxes on those commodities. The state itself undertook some of the manufactures and there was both a selling and purchasing department which submitted daily accounts to the superintendent in charge. There were trade associations and partnership firms.[1] Distinction was made between the transactions by these companies and by individuals. Favourable concessions were always shown to the latter. The weights and measures in use were to bear the stamp of the state.[2]

The regulation of tolls bears testimony to the prevalence of an excellent code of commercial morality. Wholesale markets are known as the 'पण्य.' The state had the wholesale prices fixed and any merchant getting an enhanced sum would be deprived of that amount which would go to replenish the treasury. There were toll-houses situated at the entrances to the city or fortress. Toll-keepers were to examine the goods, their destination and the seal-marks, and impose dues according to their value. Consideration was also shown for useless articles. Again there were no tolls for commodities intended for marriages, ceremonies, gifts or sacrifices. Forbidden articles if imported would be forfeited and the dealers punished.[3] Tolls varied according as the articles were necessaries or luxuries. Fruits, flowers, meat, etc., came under the category of luxuries. Commonly the toll levied was one-sixth, while necessaries like clothes and metals were assessed at one-twentieth or one-twenty-fifth. Besides the tolls there was another

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[1] *Ibid.*　　　　　　　　　　　　　　　　[2] *Ibid.*, Sec. 19.

[3] शस्त्रवर्मकवचलोहरथरत्नधान्यपशूनामन्यतमानिर्वाहां निर्वाहयतो यथा—

वधप्रितो दण्ड: पण्यनाशश्च । (*Arthaśāstra*, ii, 21.)

due *dvāradeya*, literally the gate-dues. Another regulation of the department of commerce was the prohibition of retail sale at manufacturing places.[1] This would, in the course of nature, affect prejudicially the proper distribution of trade as well as the revenues to the state. This reminds us of the practice in vogue to-day of wholesale manufacturers not dealing directly with individual traders but with established distributing firms and houses.

Under this department of commerce there was another tax, the road-cess.[2] The collector of these dues was known as the *antapāla.* He was perhaps a little away from the toll-house. He received one-fourth *paṇa* for every load of merchandise, one *paṇa* for each head of cattle and other animals. He would examine foreign commodities, and if found useful, would send them to the toll-officer. Useless and harmful articles were shut out by him. The really useful things such as valuable seeds were let in free of charge.[3] Another feature of this useful department was the weaving home. The proverb ‘ let the women spin and not preach ’ found a practical illustration in the economics of Kauṭalya. Women of various grades from young to the aged took to spinning and weaving of cotton, wool, hemp and flax. This was one aspect of the ancient cottage industries. Women could spin in their own homes. There were special arrangements for taking raw materials to them, and taking back finished goods from them.[4] The state

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[1] जातिभूमिषु च पण्यानामविक्रय: । (*Arthaśāstra*, Bk. ii, Sec. 22.)

[2] *Ibid.*

[3] सारं ततो ग्राह्यं अपास्य फल्गु: । (*Ibid.*, Sec. 21.)

[4] याश्चानिष्कासिन्य: प्रोषितविधवा न्यङ्गा: कन्यका वाऽऽत्मानं बिभृयुस्ता: खदासीभिरनुसार्यं सोपग्रहं कर्म कारयितव्या: । (*Ibid.*, Bk. ii, Sec. 23.)

paid them both time and piece wages. There were special days which were observed as holidays and those who worked in the holidays were also entitled to special allowances.[1]   On the one hand this system found employment for the weaker sex and on the other hand the profits which accrued from these manufactures went to swell the treasury.

Under the control of this department was again the ocean and river traffic. Fishermen were allowed to go fishing in these waters, and for this they were required to furnish a licensing fee which amounted to one-sixth of the value of their haul. Customs were collected in port-towns from ships touching their shores, though favour was shown in the case of weather-beaten ships. Again there were boats and other accessories in both navigable and small rivers. Fording these, or taking goods through them was only by previous permission. *Śrotriyas*, ascetics, children, the aged, royal messengers and pregnant women were allowed to cross free. This is one of the numerous references to show that the *Kauṭalīya* is often swayed by humane considerations. Others were to ford with passes previously obtained.[2] To obtain them perhaps a small fee was paid. The ferry-men were to remit their daily incomes to the superintendent. There were both water-routes and land-routes as well as routes for coastal traffic (कूलपथ). There is again evidence of commercial intercourse with China and Ceylon.[3] Baudhāyana lays down a duty of ten per cent. in general on all goods imported by sea.

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[1] तिथिषु प्रतिपादनमानैश्च कर्मकारयितव्या: । (*Ibid.*)

[2] बद्धतीर्थांश्चैता: कार्या: राजद्विष्टकारिणां तरणभयात् ।

(*Arthaśāstra*, Bk. ii, Sec. 28.)

[3] N. N. Law, *Ancient Indian Polity*, p. 87.

Bühler translates it as ' *ad valorem* duty '. And again just duties are recommended on other marketable goods.[1]   The recommendation of Viṣṇu is more moderate : one-tenth of profits on indigenous articles, and one-twentieth on imported ones.[2]   Śukrāchārya's rates vary from one-sixteenth to one-thirty-second.[3]   It would thus appear that state regulation of commerce was progressive in character and prevented much of the economic distress which would otherwise have disturbed the even course of ancient Hindu administration.

Mines.—There were both land and ocean mines (खन्य). The state had the monopoly in mining and in metals.[4]   Mines were granted to corporations or individuals for fixed terms of lease and mining operations should be carried on by previous licenses obtained. In that case the Government need not spend on their outlay. Besides there were other mines worked by the state itself. There was an officer in charge of these mines. He collected conch-shells, diamonds, corals, salt and so on from the ocean mines. One branch of this department was the office of the mint. Coins of gold, silver and copper, were minted here under the direction of the superintendent of the mint (लक्षणाध्यक्ष:). There was, besides, the examiner of coins (रूपदर्शंक:) who regulated the currency as a medium of exchange (व्यावहारिकीं).   It was for him to fix legal tender (कोशप्रवेश्यां).[5]   Brahmans guilty of offences were to work

[1] i. 10. 14 and 15.   [2] iii. 16.

[3] द्वात्रिंशांशं हरेद्राजा विक्रेतुः क्रेतुरेव वा ।

विंशांशं वा षोडशांशं शुल्कं मूल्याविरोधकम् ।   (Śukra, iv. 2. 108.)

[4] *Arthaśāstra*, Bk. ii, Sec. 12.

[5] रूपदर्शंक: पणयात्रां व्यावहारिकीं कोशप्रवेश्यां च स्थापयेत् । (*Ibid.*)

in mines as a punishment.[1]   Thus these mines added considerably to the state treasury.

Excise.—The superintendent of the excise department (सुराध्यक्ष:) was to centralize or decentralize the sale of manufactured liquor.   These spirits were manufactured in the ports, country-parts and camps set apart for the purpose.   Six varieties of liquor are mentioned ; *medaka* from rice, *prasannā* from spices and fruits, *āsava* from sugar and honey, *ariṣṭa* (perhaps a special medicinal preparation), *maireya* from jaggery, pepper, and barks, *madhu* from grapes.   Besides these there is the *sahakārasurā* extracted from the juice of mango fruits.   The daily sales of each variety were examined by special officials. The manufacture of liquor was a royal monopoly denied to private people.   Toddy or juice of palms does not find mention, but only the fermented juice of grapes and other syrups.[2]

The regulations of this department were severe. Sukrāchārya lays down that liquor houses must be fixed outside the limits of the village so as not to be a public nuisance.   Again drinking was not allowed in day-time.[3] It was also forbidden to take the stock outside the limits of the village.   It was sold to men of character and that too in small quantities, a *prastha* or half in each case, ' lest workmen should spoil the work on hand, *āryas*

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[1] *Arthaśāstra*, Bk iv, Sec. 8 ; cf. Viṣṇu, v. 2–8.

ब्राह्मणं पापकर्मीणमङ्कुष्याङ्कु कृतव्रणम् ।

कुर्यान्निर्विषयं राजा वासुयेदाकरेषु वा ॥

[2] *Arthaśāstra*, Bk. ii, Sec. 25.

चौराणां पितृभूतास्ते सुर्णकारादयस्त्वतः ।

गह्वागृहं पृथग्रामात्तस्मिन् रक्षेत्तु मद्यपान् ॥

न दिवा मद्यपानंहि राष्ट्रे कुर्यादि करिहंचित ॥   (Śukra, iv. 4. 44-45.)

stray from virtue, and the wicked do indiscreet acts by over-indulgence.' Another healthy regulation was that all were allowed to drink in the houses established and were not permitted to go out immediately after. Only good liquor was sold and the spoilt one was given to draught animals and hogs. Further if anybody under the influence of drink got himself robbed of his property in the premises, it was for the dealer in charge to make good the loss.[1] Brahmans were forbidden from drinking. Only a limited number of people were allowed to take part in liquor traffic. These regulations show unmistakably that temperance was the aim of the state in ancient India.

Gambling.—Kauṭalya like Yājñavalkya recommends centralization of gambling.[2] Betting and challenging are also included in this category.[3] There was an officer in charge who supplied dice for hire. Other receipts under this head were a share of 5 per cent on what was won by every respective winner, fees for license and fees for supplying water and accommodation. Besides these there were fines levied upon false players, deceitful winners and the use of artifice in games.[4] That the state centralized this play is evident from *Āpastamba Dharma Sūtra* where it is said that in a portion of the assembly house only could the players play at this game.[5] According-ing to Haradatta this was confined to the first three castes who took fixed contracts, daily, monthly, or yearly. These swelled the exchequer.[6]

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[1] *Arthaśāstra*, Bk. ii, Sec. 25.

[2] द्यूतमेकमुखं कार्यं तस्करज्ञानकारणात् ।
एष एव विधिर्ज्ञेयः प्राणिद्यूते समाह्रये ॥

(Yāj., ii. 203 ; *Arthaśāstra*, Bk. iii, Sec. 20.)

[3] Yāj., ii. 199–202.   [4] *Ibid*.

[5] ii. 10. 25.   [6] *Ibid.*, ii. 12–13.

Duty on Salt.—This occupies much of the attention at present of the members of the Indian Legislative Assembly. The unanimous public opinion in India is that salt so essential for life must not be taxed heavily. It will be interesting to examine the amount of revenue charged by the ancient Indian state on this necessary article of life. There was both rock salt and that manufactured from the waters of the ocean. Besides the salt manufactured in the state manufactories, it was imported also from the neighbouring states. The Government was entitled to a fixed share of the former, while one-sixth portion of the imported quantity of salt went to the king. Private individuals and firms were allowed to manufacture only with the previous and express sanction of the Government. Persons proceeding without license, and persons adulterating salt were to have the highest amercement as punishment. Dealers in salt were to pay the toll charge in addition to other fees. Those who took salt for private use were allowed toll free. Even here *śrotriyas*, penance-performers and labourers were exempted from toll dues.[1] It is justifiable if from these we infer that the Kauṭalīyan recommendation of taxes was in no way unscrupulous.

Miscellaneous.—The other sources of income to the state were from the office of state-goldsmith, the institution of prostitutes, building-sites, guilds of artisans, handicrafts, religious and charitable endowments, water-tax, income-tax, flower, fruits and vegetable gardens (here it was one-sixth), game-forests, timber and elephant forests, heads of cattle, asses, camels, horses, hides and

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[1] *Arthaśāstra*, Bk. ii, Sec. 12.

श्रोत्रियास्तपस्विनो विष्ट्यश्च भक्तलवणं हरेयुः । अतोऽन्यो लवणक्षार-
वर्गः शुल्कं दद्यात् ।

skins, etc. There were no absolute and fixed rates for all time as one could easily gather from the several texts of the extant treatises on the Arthasāstra.[1] Levies were also accepted in kind even in the case of clothes and heads of cattle. Artists and artisans who would not pay in cash were expected to work a day in a fortnight for the king, and thus commute their payment by labour.[2] That the artisans were also subject to certain kind of taxes is evident from the *Mahābhārata*.[3] In taxing them the nature of their work of art, their difficulty, and their skill[4] were taken into consideration.

There were other sources of income which could not be classified under the regular head of revenue but which nevertheless enriched the treasury. These were spoils of war, tributes, and voluntary contributions. The last were raised when financial embarrassments occurred so as to replenish the treasury, the first line of defence for the kingdom. Willing contributors were entitled to special honours and presents at the hands of the monarch.[5] Unclaimed property was another source of income to the state.[6] Sukra's sources of revenue include the amount recovered from thieves (तस्कराहृत) also.

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[1] *Arthasāstra*, Bk. iv, Sec. 2 ; Yāj. i. 132 ; Visnu, iii. 19–12 ; Śukra, iv. 2. 236–41.

[2] *Arthasāstra*, Bk. ii, Sec. 2.   [3] *Sānti Parvan*, lxxxvii. 14.

[4] *Ibid.* उत्पत्तिं दानवृत्तिंच शिल्पं संप्रेक्ष्य चासक्तत् ।

शिल्पं प्रतिकरानेवं शिल्पिनः प्रतिकारयेत् ।

[5] यथोपकारं वा खवशा वा यदुपहरेयुस्थान-

छत्रवेष्टनविभूषाश्चैषां हिरण्येन प्रयच्छेत् ।   (*Arthasāstra*, Bk. v, Sec. ii.)

[6] अस्वामिकं कति प्रासं नाष्ट्रिकं तस्कराहृतं ।

संचितं तु विनिश्चिख्यामात्यो राज्ञे निवेदयेत् ॥

(Śukra, ii. 107 ; Agni, ccxxiii. 16 ff.)

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More or less the same sources of revenue are found in the inscriptions, dated A.D. 571 and 766.[1] The inscription (38) mentions *udraṅga* or land tax, *uparikara* or ' a tax levied on cultivators who have no proprietory rights on soil, ' *vālabhūta?* (a tax levied on fruit and flower gardens), *dhānya* (grains), *hiraṇya* (gold), *ādeya* (windfall?), *viṣṭika* (of workmen who were fed by the state). To these, No. 39, adds *daśāparādhaḥ* (fines from ten kinds of offences, three of body, four of speech, three of mind), *bhoga* (usufruct) and *bhāga* (one-sixth of land revenue).[2]

South Indian inscriptions throw much light on the sources of income of the ancient kingdoms like those of the Pallavas, the Cholas, the Pāṇḍyas and others. The Tandantōṭṭam plates refer to a number of taxes such as those on oil-presses, looms, stalls, grains, areca-nuts, animals like bulls, toddy-drawers and shepherds. The Kāsākudi plates mention irrigation tax, professional tax

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Jīvananda Vidyāsagar in the commentary writes अस्वामिकं=स्वामिहीनं उत्तराधिकारिरहितं च द्रव्यं ॥ (p. 111).

[1] Nos. 38 and 39 of *F. G. I.*

[2] Some of these terms have been left untranslated by Fleet. Most of them occur in Bk. ii, chap. viii of the *Arthaśāstra* as sources of revenue. According to the Śrīmūlam commentary ' *vāta* ' includes the fruit and flower gardens from which revenue went to the king's exchequer. The interpretation of the term *bhūta* is a little difficult as it does not occur in the technical literature so far to our knowledge. It may mean ' a tax that has been given up and revised now '. But the other question is on what it was assessed. Hence it is advisable to treat *vāta-bhūta* as a compound term, *bhūta* meaning—' produced or obtained from '. The term *ādeya* Kauṭalya explains सुप्राप्यानुपालय: परेषामप्रत्यादेय इति आदेय: । (Bk. ix. 4) and भोग: is interpreted as ' राजभाग: ' (Bk. xii. 5 ; Trivandrum edition, vol. iii, p. 210). भाग: — धान्यषड्भाग: (*Ibid.*, vol. i, p. 136 ; Bk. ii, 6).

and trading licenses. Also a share of the cloth woven of cotton thread and of corn ears, are mentioned as dues to the state. There is a long list of subsidiary taxes (*kaḍa-mai*) given in the Chola inscriptions attributed to Tribhuvan Chakravartin Kōnerimaikon; Fees (*kāśukaḍamai*); *oḍukkupaḍi* : *uṛaināḻi* : *pāḍi kāval* (village watch); share of the *karaṇam* (measurer); dues on looms (*taṛyiṛai*); oil-presses (*śekkiṇai*), on profits (*śeṭṭirai*): *taṭṭoli* on gold-smith (*taṭṭarpāṭṭam*) : animals (*māvaḍai*), tanks (*kuḷa-vaḍai*), water-courses (*oḷukkunīrpāṭṭam*), fees (*vāri-āyam*), caste dues (*inavari*): weights (*iḍaivari*), fine for bad articles (*aḷugaḷśarakku*) : shops and stalls (*angāḍipāṭṭam*), salt-tax (*uppāyam*): dues from potters (*kuśakāṇam*), marriage (*kaṇṇāiakkānam*), washing places (*vaṇṇārap-pārai*), ferry-keepers, cattle-sheds, *āṇaikkūḍam*, *kudiraip-pandi*, or temporary stables to the state elephants and horses when the king was on tour. There are others that could not be identified.[1]

Besides these generally accepted heads of revenue for the state there were others which are seemingly immoral but nevertheless *dharmic* (moral) from the view point of *rāja-dharma* whose keynote is protection which depends entirely on a well-furnished treasury. To this end the following methods among others could be adopted according to the *Arthaśāstra* : (1) contribution from wealthy persons could be requested under the false plea of executing this work, or that. Such of those whose donations were handsome enough were to be honoured with titles and special gifts. (2) Again spies in the disguise of sorcerers could deprive the heretics and even temples of their funds provided the latter are not enjoyed by the *śrotriyas*. (3) The secretary in

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[1] *S. I. I.*, vol. iii, part i, pp. 112–17.

charge of religious endowments could collect funds under various items and send them on to the exchequer. (4) The image of a god or an altar might be secretly set up in some place, or an evil-omen might be pointed out and sums may be collected therefrom ; also by celebrating festivals or festivities.   (5) By pointing to untimely fruits and flowers in the sacred trees of the palace-garden, the king might cite it as an evil omen, to avert which he might raise enormous wealth by big processions in honour of gods.   (6) He might again set up a man in secret in the hidden portion of a tree, and announce the arrival of an evil spirit, to propitiate which he could gather wealth from the public.   (7) He could collect a number of precious and rare beings such as a serpent with several heads, and set them up for public exhibition and thus realize some wealth.   (8) Special spies might offer a drink of anæsthetic ingredients, make people temporarily insensate and, offer remedial measures for which money could be collected.   (9) Spies might deprive merchants, goldsmiths, of their illegetimate earnings in the disguise of partners.   (10) If a quarrel arose among two seditionists, prostitute spies or poisoners could administer poison to one, accuse the other of the guilt, and deprive both of their property.[1]

Some of these have been referred to by Dr. Jolly in his introduction to the scholarly edition of the *Artha-śāstra*[2] in favour of his theory that the *Kauṭalīya* mentions immoral and unscrupulous ways of taxation, thus departing from the *Dharmaśāstras*.[3] These taxes, though raised

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[1] *Arthaśāstra*, Bk. v, Sec 2.   [2] Punjab Sanskrit Series.

[3] रक्षणादार्यवृत्तानां कण्टकानां च शोधनात् ।

नरेन्द्राश्चिदिवं यान्ति प्रजापालनतत्परा: ॥ (Manu, ix. 253.)

by practice of fraud, need not be regarded unscrupulous for the following reasons :—

1. Kauṭalya's treatise is a practical manual on statecraft. Practical application of administration could not be effected without treasure to fall back upon. To this end expediency dictated recourse to certain ways of raising revenue, unscrupulous under normal circumstances but justifiable as measures of desperate necessity.

2. Even here, taking benevolences, ill-spent funds of charitable institutions, holding of public shows, punishing the seditious, could not be characterized as unscrupulous. These are to be resorted to only in extreme danger.

3. Setting up altars, announcing evil spirits, administering ingredients, are some of the ways by which the masses could be humoured. These are the means again by which such of those landless or occupationless, who would otherwise escape the burdens of taxation, could be made to contribute their quota to the state in some way or other. People were then swayed by supernatural ideas, and the practical statesman touched their weak spots to achieve this end. In this respect the state endeavoured to equalize the taxation.

4. Goldsmiths and similar professionists would naturally earn by illegitimate and dishonest means. Manu characterizes them as ' प्रकाशवञ्चकाः'[1] ' deceivers in open daylight.' With ability to pay, the members of these classes would try to ' shift' the burdens of taxation on to the others. Kauṭalya could not tolerate this and hence recommended the use of partner-informants to deprive them of their illegitimate earnings.

[1] Chap. ix. 257.

5. The condition and cirumstances of Kauṭalya's days were such that unless the ever-growing class of the seditionists were put an end to with rigorous and capital punishment, thc king could not reign in peace and people could not live in safety.   Manu speaks of them as thorns in the way of the state, and to be removed at all costs.[1]   Kautalya ends this section with the following :

एवं दूष्येषु अधार्मिकेषु च वर्तेत । नेतरेषु ।

This means these various methods were to be directed against people of evil life and not law-abiding citizens of the state.[2]   It would thus appear that these methods were not the rule but the exception.   They were applied only in the case of the unrighteous, i.e., the enemies of the state.   In a word the exigencies of the Mauryan administration perhaps found in their application valuable instruments to gain the end, namely, protection and peace.

Sec. ii. PRINCIPLES OF TAXATION

That taxes were just, equitable, and reasonable is borne out by a number of literary and epigraphic evidence.   It is said that a king should not have recourse to *adharmic* methods ; nor should he be impelled by greed or coveteousness.   In either case the king's position will become intolerable.   Unrighteous tax-gatherers are compared to greedy milkmen who would cut off the udder of a cow to get all the milk.[3]   But to increase the milk of the cow the owner must feed the animal sumptuously with fresh, green and rich food.   In the same way moderate and seasonal collection of taxes will draw the

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[1] ix. 253.   [2] *Arthaśāstra*, Bk. v, Sec. 2.
[3] *Śānti Parvan*, lxxi. 15–17 ; lxxxvii. 20. 21; lxxxviii. 4–5.

people nearer to him and will ensure the future
revenues of the state.[1]   Bhīṣma advises Yudhiṣṭhira to
behave like the gardener who will gather flowers in
season without prejudice to the growth of the plant.[2]

The king is further advised to conduct himself in the
matter of taxation like a bee sucking honey from flowers,
a cowherd tending his cattle, a tigress swallowing her
cubs, a leech sucking blood and so forth.[3] But here again
a caution is given that the people should not be
emasculated.   It simply means that springs of productive
energy must not in the least be disturbed ; for to disturb
them is to lay the axe at the very root.[4]   Enlightened
though these regulations are, still they were not able to
observe them to the very letter in practice as is
illustrated from the mass of the Buddhist literature and
especially the *Jātakas*.   It is said that force was resorted
to in case of delay or wilful evasion, and the tax-gatherers
harassed the people by forced labour in the fields and
gardens.[5]   Unable to bear the burdens people fled
from the country and town parts for refuge on the borders
of the realm.[6]

Hindu texts on polity always advocate the principle
of equity in the matter of collecting taxes.   It is said that
the weaknesses of the people must be played upon by

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[1] यो हि दोग्ध्रीमुपास्ते च स नित्यं विन्दते पयः ।

एवं राष्ट्रमुपायेन भुञ्जानो लभते फलम् ॥ (*Sānti Parvan*, lxxi. 17.)

[2] मालाकारोपमो राजन्भव माऽऽङ्गारिकोपमः ।

तथायुक्तश्चिरं राज्यं भोक्तुं शक्यसि पालयन् ॥
                    (*Sānti Parvan*, lxxi. 20 ; cp. Śukra, iv. 2. 111.)

[3] *Sānti Parvan*, lxxxviii. 1-7.   [4] *Sānti Parvan*, lxxxvii. 20-21.

[5] *Jātaka* 77.   [6] The *Jātakas*, vol. v, p. 520.

soft tricks.   This must be like the 'long nosed rat eating the flesh from the feet of sleepy persons, and like the increasingly heavy loads on the back of a young bull'. Hence taxation must keep well within the limits of taxable capacity.   In this way it is recommended that the treasury ought to be increased by means of a graduated system of taxation.   It is further said that before imposing fresh taxes the leaders of the people must be conciliated so that the masses may not rise to resist.[1]   Taxes should then be light.   As occasion demanded they must be raised little by little having regard to time and place.[2]   This was possible as the administration was designed with a view to ensure rigorous economy.   Machinery was devised to carry on duties efficiently and economically as circumstances allowed.[3]   Prof. Banerjee's remark in this connection seems just.   'The principles on which the tax-system was based were sound

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[1] अल्पेनाल्पेन देयेन वर्धमानं प्रदापयेत् ।

ततो भूयस्ततो भूय: क्रमवृद्धिं समाचरेत् ॥

दमयन्निव दम्यानि शश्वत्भारं विवर्धयेत् ।

मृदुपूर्वं प्रयत्नेन पाशानम्यवहारयेत् ॥

सक्तृपाशावकोणास्ते न भविष्यन्ति दुर्दमा: ।

उचितेनैव भोक्तव्यास्ते भविष्यन्ल्ययत्नत: ॥

तस्मात्सर्वसमारम्भो दुर्लभ: पुरुषं प्रति ।

यथामुह्यान्सान्त्वयित्वा भोक्तव्या इतरेजना: ॥

(*Śānti Parvan*, lxxxviii. 7–10.)

[2] न चास्थाने न चाकाले करांस्तम्यो निपातयेत् ।

आनुपूर्व्येण सान्त्वेन यथाकालं यथाविधि ॥ (*Ibid.*, lxxxviii. 12.)

[3] *Ibid.*, lxxxvii. 18–19.

and reasonable. To use the language of modern economists, ability and least sacrifice were the guiding principles of the framers of the financial regulations of ancient times.'[1] This statement is supported by unquestionable proofs. Bhīṣma advises Yudhiṣṭhira in similar terms and says that special consideration should be shown to the Vaiśyas who formed the wealthy class of the state. Pointing out to them the necessity of expenses either for administration or defences of the state, without which there will be no peace or protection, a king must exact taxes from the Vaiśyas. They must not be disregarded lest they should leave the capital for the woods. They must be conciliated, and the king must endeavour to please them and win their affection and good will. They must be assured of safety and security for their life and property. The King must adopt such other means by which they would increase their wealth. They are the mainstay of agriculture and commerce, and consequently the mainstay of a state. Hence they must be treated kindly, leniently and sympathetically. There is nothing else which does greater good to the kingdom.[2]

It has already been shown that Kauṭalya has not sacrificed scruples of conscience in enunciating principles of taxation. As befits a statesman, he realizes the full responsibility and has advocated a graduated system of taxation. The devices suggested are based on the principle of least sacrifice and they are at once simple and popular. They are, in other words, ' the soft tricks ' that find mention in the Rājadharma section of the *Mahābhārata*. By them the burden was made to fall proportionately on all, and they subserved the' ends of even

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[1] *Public Administration in Ancient India*, p. 180.
[2] *Mbh.*, *Śānti Parvan*, lxxxvii. 35-40.

distribution. That is, people did not feel taxes to be a strain on their purse.[1]

Kautalya fully realizes the danger from the tax-collecting officials. In his opinion the state may promulgate ameliorative measures; but the officials at the lower rung of the ladder might continue the old rates, take to corrupt practices, and indulge in *adharmic* measures of extorting money. Special Commissioners were hence appointed to watch them, and such of those as were found guilty were severely dealt with.[2]

In his opinion the officer collecting twice the fixed sum as revenue would be sucking the life-blood of the people by his action. It is for the state to prevent such offences of a grave nature; for to tolerate them is tantamount to digging the grave of the administration. Further Kautalya enunciates the principle of granting remissions in deserving cases such as cultivators under unfavourable circumstances.[3] In this and other respects Kautalya shows himself a practical man; but at the same time he does follow the beaten track of the *Dharma Sāstras*.

Another aspect of the ancient system of taxation was the grant of immunities from taxes and escheat. This was perhaps actuated both by religious and political considerations; for example, *srotriyas*, ascetics, women, religious establishments, were exempted from taxes. The right of escheat was in operation to properties other than those enjoyed by *srotriyas*.[4] Conformably to the

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[1] पक्कं पक्कमिवारामात् फलं राज्यादवाप्नुयात् ।
आमच्छेदभयादामं वर्जयेत्कोपकारकम् ॥

(*Arthaśāstra*, Bk. v, Sec. 2.)

[2] *Sānti Parvan*, lxxxviii. 26; cxxx. 26-27; *Arthaśāstra*, Bk. iv, Sec. 9.

[3] *Arthaśāstra*, Bk. v, Sec. 2.   [4] *Manu*, vii. 133-36; viii. 394.

above rule, Kauṭalya lays down that the *śrotriyas, ṛtviks, purohits* would be granted *brahmadeya* lands exempted from all rates and fines (अदण्डकराणि).

Most of the available inscriptions record gift of land, free of taxes made by the kings to Brahmans versed in the Vedas. The following may be quoted: 'These 77, 6/20ths and 1/160ths (*veli*) of land more or less we gave including the trees over ground, the wells under ground, in the land and all other benefits (*prāptis*)of whatever kind having first excluded the former owners and the hereditary proprietors, and having purchased (it) as tax free property (*kāṇi*) for the 106 Bhaṭṭas of this village and for the two shares (of the image) of Sāmantanārayaṇa-viṇṇagar Emberumān from the rainy season of the thirty-fifth (year of our reign) as a meritorious gift (*dharma-dāna*) with libations of water with the right to bestow mortgage or sell (it) as a tax free grant of land to last as long as the moon and the sun.'[1]

An interesting question may be raised here. Is not Kauṭalya perpetrating an economic atrocity by showing partiality towards the *śrotriyas*, by exempting their lands from taxes? An examination, however, of the various duties which devolved on them will be sufficient to justify such a recommendation. According to the *Mānava Dharma Śāstra*,[2] learning, and teaching, performing sacrifices and causing sacrifices to be performed, receiving gifts and giving gifts, are the six duties of the Brahman (the Brahman was then invariably a *śrotriya*). The same is found in the learned commentary of Nacchinārkkiniyar on the first line of the *Sūtram* 75.[3]

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[1] *S.I.I.*, vol. ii, part 1, No. 22.

[2] अध्यापनमध्ययनं यजनं याजनं तथा ।

दानं प्रतिग्रहं चैव ब्राह्मणानामकल्पयत् ॥ (i. 88 and x. 75)

[3] அதிகாரப்படுத்து உரிப்பொருட்பகுதி. (*Puruṭṭiyal of Tolkāppiyam.*)

The six duties are : ஓதல் (*Sans.* अध्ययनं), ஓதுவித்தல் (*Sans.* अध्यापनं), வேட்டல் (*Sans.* यज्ञनं), வேட்பித்தல் (*Sans.* याज्ञनं), கொடுத்தல் (*Sans.* दानम्), கோடல் (*Sans.* प्रतिग्रहं).

The learned Tamil commentator pursues the subject further and divides education into three classes : superior, middling, and inferior. The three Vedas, *Rig*, *Yajus*, and *Sāman* belong to the first class. The second constitutes *Atharva Veda*, the six *aṅgas* : *niruktam*, *vyākaraṇam*, *kalpam*, *gaṇitam*, *jyotisham* and *chhandas*, and the eighteen *Dharmaśāstras* of Manu and others. Under the last category come the *itihāsas*, *purāṇas* and other miscellaneous literature. Instructions would be fructifying if the *Guru* first understood the capacity and the taste which the student possessed and then imparted him lessons according to his grasp and understanding.[1] The object of this education is to discipline the mind, speech, and body.[2] Further it will tend to increase the intelligence, fame and even the age of a person.[3]

Of the six duties mentioned, three duties—partaking in other's sacrifices, teaching students, receiving good

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[1] ஓதுவித்தலாவது கொர்ப்போ அறைவுடைமை
அறிந்த அவக் கொளவாக்கொளத்தக்கும் ஈளோன்
றக்கைமையும் தகவியற்கையுமாம். *Ibid.*

[2] इदं शास्त्रमधीयानो ब्राह्मणः शंसितव्रतः ।
मनोवाग्देहजैर्नित्यं कर्मदोषैर्न लिप्यते ॥ (Manu, i. 104.)

[3] इदं सस्ययनं श्रेष्ठमिदं बुद्धिविवर्धनं ।
इदं यशस्यमायुष्यमिदं निःश्रेयसं परम् ॥ (*Ibid.*, 106.)

இல்லைமயக்குமால்குமைநலின்றுற்
றுக்கைம விளக்கு மாற்றத்துளாராக் கேடின்று
வெல்லைம புலவத்தம் பாங்காரோளைக் கல்விபோன்
எம்ம ரத்குை மூக்கு.   (*Naladiyār*, st. 132.)

gifts are the means of a *śrotriya's* livelihood.[1] These three, in the opinion of Nacchinārkkiniyar, belong of right to the Brahmans only.[2] The other three functions are intended for his own elevation. These are reading, performing sacrifices, and bestowing gifts. Those who fulfil these duties were known as *śrotriyas* and deserved the best consideration of the authorities of the state.[3] From the nature of the duties expected of them it was impossible for them to earn their livelihood by taking to other callings. After all they discharged these duties for the benefit of the society at large. They spread the light of knowledge without expecting any reward in return whatever be the number of students who approached them. Again by sacrifices they assured the prosperity of the land and people. According to the then prevalent notions, sacrifices were deemed important as, by them alone the earth could enjoy the benefit of good and timely showers, which is the cause of abundance of crops, on which again people depend for their existence.[4] Perhaps Nacchinārkkiniyar entertains the same opinion when he interprets. 'வேள்வி' or (sacrifice), as 'வேளாண்மைபற்றி வேள்வியாயிற்று.'

Gifts are then the means to realize these two ends, namely, education and religion, on which depends the progress of society. Realizing their invaluable services to the society, kings and people bestowed upon

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[1] अध्यापनमध्ययनं यजनं याजनं तथा ।

दानं प्रतिग्रहश्चैव षट्कर्माण्यग्रजन्मनः॥ (Manu, x. 75.)

[2] நுதலித்ததும் கேட்பித்ததும் எற்றதும் அந்தணர்க்கேவிது. (*Tolkāppiyam Commentary*.)

[3] Manu, vii. 82 ; Yāj., i. 314–15.

[4] अन्नाद्भवन्ति भूतानि पर्जन्यात् अन्नसंभव: ।

यज्ञाद्भवति पर्जन्यो यज्ञ: कर्मसमुद्भव: ॥ (*Bhagavat Gītā*, iii. 14.)

these *śrotriyas* lavish gifts of money and lands tax-free, much like modern grants-in-aid furnished for educational and other improvements, no income-tax being charged on these grants.

These and other considerations indicate Kauṭalya's great regard for the welfare of the people.   Far from being selfishly autocratic, the Mauryan state must have taken an abiding interest in the well-being of its citizens.   It is not difficult to infer from these various regulations that the principles of taxation were sound and the adminis- tration was efficient.   The theories of early writers like Maine who called the Hindu States ' tax-collecting insti- tutions', have little justification at any rate in regard to Mauryan times.

Sec. iii. ITEMS OF EXPENDITURE

Economy is the key-note of expenditure by the state, and still the vast total expenditure was very great.   The expenditure was, however, for the realization of the three ends of life.[1]

The reasons for expenditure are obvious.   The functions of the state as analysed in the *Kauṭalīya* necessitated[2] the maintenance of an elaborate fisc.   The following is the categorical list of functions mentioned in the *Arthaśāstra*; the army and navy including other defences of the kingdom against external attacks and internal dangers, the police, justice and law-courts, sanitation, medical relief, public works of utility including irrigation, religion and learning, other allied departments such as standardization of weights and measures, the census, etc., aid to industries and manufactures, and

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[1] काले चास्य व्ययं कुर्यात् त्रिवर्गपरिवृद्धये । (Kāmandaka, v. 76.)

[2] *Vide* Prof. K. V. Rangaswami Aiyangar, *Aspects of Polity*, p. 68.

other items of development. With such large political, social, and other functions, it would be reasonable to assume that the expenses incurred by the state were great.

Śukra, the economist, agrees with Kauṭalya the politician in distinguishing two kinds of expenditure : the every-day expenses which had to be incurred to satisfy the absolutely necessary wants, and expenditure in services of public benefit which are profitable investments in the long run.[1] Referring to expenditure in a general sense Śukrāchārya speaks, of ordinary consumption[2] or that which is destroyed in the act of consuming, and productive consumption, which is an outlay of expenses on a particular undertaking to yield profit in the long run. The first division includes items of expenditure which are required for every-day consumption and for the running of all departments functioning in the state. These include expenses incurred for the royal household, the harem, the kitchen, storehouse, firewood, fodder, museum of birds and beasts, manufactories, labourers, military establishments, warehouses, civil and other officials, gifts to temples and other charitable

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[1] निव्यो निव्योत्पादिकोलाभो लाभोत्पादिक इति व्यय: ।

दिवसानुवृत्तो निय: । पक्षमाससंवत्सरलाभो लाभ: ।

तयोदत्पन्नो निव्योत्पादिको लाभोत्पादिक इति ।

(*Arthaśāstra*, Bk. ii, Sec. 6.)

[2] यन्निमित्तो भवेदायो व्ययस्तन्नामपूर्वक: ।

व्ययश्चैवं समुद्दिष्टो व्याप्यव्यापकसंयुत: ॥

पुनरावर्तकस्त्वनिवर्तक इति द्विधा ।

व्ययो यन्निध्युपनिधोक्रुतो विनिमयोक्रुत: ॥ (Śukra, ii. 337-38.)

institutions, and such other expenses which are essential
for carrying on the work of administration.[1]

The following civil list is found in the *Kauṭalīya* :

	paṇās.
Annual allowances for *ṛtvik*, *guru*, minister, *purohita*, *senāpati*, crown prince, king's mother and queen.... each	48,000
For the chamberlain, controller of the house-hold, *praśāstṛ*, Revenue Officer, *sannidātṛ*	,, 24,000
For other sons of the king, nurse, *nāyaka* (army officer), superintendent of the city, judge, superintendent of manufactures, members of the ministry, superintendents of country parts and of boundaries	,, 12,000
Managers of military corporations, masters of elephants, horses, chariots	,, 8,000
Captains of infantry, cavalry, chariots, and forests	,, 4,000
Chariot-driver, doctor, horsetrainer, carpenter, trainers of other animals.	,, 2,000
Astrologer, *purāṇa* reader, bards, assistants of *purohita* and all superintendents of other departments	,, 1,000
Soldiers, accountants and clerks	,, 500

[1] देवपितृपूजादानार्थं स्वस्तिवाचनमन्तःपुरमहानसं
दूतप्रावर्तिमं कोष्ठागारमायुधागारं पण्यगृहं कुप्यगृहं
कर्मान्तो विष्टिः पत्यश्वरथद्विपपरिग्रहो गोमण्डलं
पशुमृगपक्षिव्यालवाटाः काष्ठातृणवाटश्चेति व्ययशरीरम् ॥

(Arthaśāstra, Bk. ii, Sec. 6.)

Musicians, 250, artisans, etc., 120,

    servants, etc.   .... each 60 *paṇās*.

Honorarium for the learned 500 to 1,000. Messenger for a *yojana* 10, and up to 100 *yojanas* 20, special officer, 1,000, Intelligence, etc., 500.[1]

It must be remembered that these items constitute the category of consumption, the utility of which consists in satisfying the needs of the day and can be characterized as non-productive consumption. The second division of expenditure is such that returns are expected from it. They are expended perhaps in productive enterprises[2] such as irrigational works. For this a certain amount was to be earmarked beforehand. Kautalya insists on this head of profitable expenditure. For any curtailment under this account would be suicidal to the interests of the state.[3] This presupposes the existence of annual budget estimates. Budget-estimates are spoken of to-day as the barometer of the financial organization. It is striking to see that such budget estimates have been in existence in the days of Kautalya. A general review of the *Kautalīya* shows notions of control of expenditure by regulating resources. Besides the two broad classifications of expenditure, the *Arthaśāstra* recommends a provision for emergency purposes (व्ययप्रत्यय:). It is expenditure to meet emergencies when some untoward calamities befall the country, such as the outbreak of war, ravages of epidemics, or huge, useful and productive works already undertaken and yet remain to be accomplished.[4] This provision is of capital

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[1] *Arthaśāstra*, Bk. v, Sec. 3.   [2] Śukra, ii. 337-38.

[3] समुदायिकेष्वव कुत्सितं व्ययमुपहत्य राजाऽनुतप्येत । (Bk. ii. 7.)

[4] विश्वेप्रप्राधितान्तरारम्भशेषश्च व्ययप्रत्यय: ।

Dr. Shama Śāstrī's translation seems to be incorrect.

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importance, for the state realized that the material well-being of the society was the end of the state. It brought relief to the doors of the poor, the suffering and the diseased,—in a word improved the health of the community. It nationalized industries and manufactures, thus avoiding creation of a capitalist class as in modern industrial society.

Again the principle of balancing of the budget was a factor then reckoned very important. Kautalya lays down the healthy recommendation, namely, that the minister of finance should endeavour his best to increase the items of income and decrease proportionately the items of expenditure.[1] This simply means that the state must not waste the money on useless and unproductive works. As the treasury is the safety-valve of the state, the authority in power must see that the treasury is always replenished with treasure. There seem to have been limits beyond which, save under exceptional circumstances, the treasury should not be drawn upon.

In short the state must so regulate its expenditure that there might be no difficulty if it were suddenly faced with calamities of one kind or another.[2] This sound principle is not peculiar to technical literature only. Texts like those of the *Rāmāyaṇa* and the *Mahābhārata* contain similar rules. In the *kacchit sarga* of the *Rāmāyaṇa*[3] :

[1] एवं कुप्रीत्समुदयं वृद्धिं चास्य दर्शयेत् ।

हासं व्ययस्य च प्राज्ञस्साधयेच्च विपर्ययम् ॥

(*Arthaśāstra*, Bk. ii, Sec. 6.)

[2] अरुधमोहेद्दर्मेण लब्धं यत्नेन पालयेत् ।

पालितं वर्धयेन्नोत्या वृद्धं पात्रेषु निक्षिपेत् ॥ (Yāj., i. 317.)

[3] आयस्ते विपुलःश्चिन् कश्चित् अल्पतरो व्ययः

अपात्रेषु न ते कश्चित् कोशो कश्चित् च राघव ।

'Is your income great, is your expenditure proportionately less, is it not wasted on the undeserving, is it spent on gods, ancestors, *śrotriyas*, guests, army and allies?' Again in chapters xcv and xcvi (*tīrthayātra* section) of the *Āraṇyaka Parvan* there is an interesting episode which throws much useful light on the topic under discussion. The sage Agastya happened to marry and set up a family which meant funds to maintain his establishment. With that object he set out to get honorariums from the kings of the several states. He approached four kings: *Śrutarva* (श्रुतर्वा), *Bradhnaśva* (त्रध्न्व), *Trasadasyu* (त्रसदस्यु:) and *Ilvala* (इल्वल:). Each of them had practically a minus balance in their accounts. They had spent more than what they had got. The accounts were then called for and scrutinized by the sage with an eye to the items of the expenditure. A careful auditing demonstrated that their incomes amounted to only just what they had to spend and nothing to spare even by way of charity. The sage then brought to their notice the necessity of keeping their treasury well-furnished. On his advice it is said that the states were placed thenceforward on an excellent financial basis. The account may or may not be historical. But the fact remains that the balancing of budgets with a reserve earmarked in the treasury was a factor understood and realized in ancient days in Hindu India. It is generally taken that the budget was to be a surplus budget, and not a deficit one.[1] This surplus wealth was to be utilized among worthy persons.

देवतार्थे पितर्थे ब्राह्मणाभ्यागतेषु च
योधेषु मित्रवर्गेषु कश्चिन् गच्छति ते व्ययः ॥

(*Ayodhya Kaṇḍa*, c. 55-56.)

[1] Yāj., i. 317.

Sukrāchārya has a budget in which the saving is 18 per cent of the total income and 50 per cent of the total annual land-revenue collections.   According to *Śiva Tattva Ratnākara*[1] one-fourth of the total income must be kept as reserve.   This reserve ought not to be touched.[2] Even a small amount should not be discarded. It would grow large, as a small fire would, with the feeding of ghee, and by continuous efforts.   The following is the budget estimate of annual expenditure of a small state.[3]

The items of expenditure of a state worth one lakh of *karṣas* are monthly :—

			RS.
1.	Personal and charities	....	1,500
2.	Six clerks and scribes	....	100
3.	Three Councillors	....	300
4.	Family	....	300
5.	Learning and Education	....	200
6.	Horse and foot	....	4,000
7.	Elephants, camels, bulls, fire-arms	....	400
8.	Savings	....	1,500

Total   8,300

(For Harsha's finances see Hiuen Tsiang 's *Si Yuki*, vol. i, pp. 87–88.)

[1]
राष्ट्रादायातवित्तस्य चतुर्भागान् प्रकल्पयेत् ।

धर्मार्थकामसिध्यर्थं कुर्यात् भागत्रयंव्ययं ॥

भागेनेकेन चावश्यं कुर्यात्कोशस्य संचयं ।

कोशात्सुखमवाप्नोति कोशहीनस्तु सीदति ॥ (v. 6, 45–46.)

This work is an encyclopædia of Indian literature, science and art, its authorship being attributed to Basappa Nāyaka of the Keladi dynasty.   It is roughly a composition about A.D. 1700.

[2] Cf. *Śānti Parvan*, cxix. 16.   [3] i, ll. 631–35 and iv. vii. 47–52.

The annual saving for a *sāmanta* state worth *karṣas* ı,00,000 is 18,000 or 9/50 or 18 per cent which is nearly ı/5th of the income,[1] as is seen from the above balance sheet drawn by the *Sumantra* or finance minister.[2] In Śukra's opinion the reserve fund should be such as to keep the army and the people for a period of twenty years without imposing any dues or fees.[3] Elsewhere he says that it is alone good treasury where there is wealth enough for thirty years (त्रिंशदब्दप्रपूरं) and grains for three years. Whatever is consumed is to be replaced.[4]

The amount must certainly depend on the extent of the territory of that state. The reserve of the royal treasury has thus been considered as the first line of defence, and every endeavour was made to maintain a full treasury by income from only legitimate sources. To be in possession of a full treasury the state must endeavour to increase the development of agriculture, cattle and commerce (कृषिगोरक्ष्यवाणिज्यं). These have been 'reckoned as unfailing sources of income for the state.'[5] It would thus appear that the principles that guided the public expenditure, were good for those times and served their purpose very well.

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[1] iv. vii. 24-30.　　　　　　　　　　[2] Śukra, ii. 102-3.

[3] दण्डभूभागशुल्कैस्तु विना कोशाद्बलस्य च ।

संरक्षणं भवेत् संयग्याव‍द्द्विंशति वत्सरम् ॥

तथा कोशस्तु संधार्यस्तत्प्रजारक्षणक्षमः ॥ (iv. ii. 13.)

धान्यानां संग्रहःकार्यो वत्सरत्रयपूर्तिदः

तत्तत्काले खराष्ट्रार्थं नृपेणात्महिताय च ॥ (*Ibid.,* 25.)

व्ययीभूतं तु यद्द्रव्य तत्तुल्यं तु नवीनकं ।

गृह्णीयात् सुप्रयत्नेन वत्सरे वत्सरे नृपः ॥ (*Ibid.,* 29.)

[4] iv. ii. 22 ff.　　　　　　　　[5] *Śānti Parvan,* lxxxviii. 27.

Sec. iv. EMERGENCY TAXES AND LOANS

There is evidence to demonstrate that emergency taxes and loans were raised occasionally. These are not taxes in the strict sense of the term. They are of the nature of voluntary gifts. These free gifts Kautalya characterizes as *praṇaya*. To exact such gifts, especially from the rich the state showed some special consideration. Those who came forward to contribute were honoured with presents and titles. The presents included among others an umbrella, turban and some ornaments with which the donors were honoured in the court, and their names were advertised in public so as to attract more gifts of a voluntary nature.[1] It may be remarked in passing that this device is not new to students of modern fiscal history. Sometimes recourse was had to loans repayable by the state when the latter is in a position to pay. Such cases were resorted to when the state was in a condition of impending danger, to avert which, experts felt, the reserve in the treasury would not suffice. When grave and contagious diseases ravaged the land, and pestilence and famine faced the kingdom in all nakedness, or when a powerful enemy was at the door essaying to force through the gates, the king could go abegging for funds. The appeal to be made is as follows :—' There is a grave danger facing us in all nakedness. The enemy wants to ruin us but wil in turn be ruined by your help. For your protection I require funds which are returnable after we have got over the danger. If on the other hand the enemy gets possession of this land he will deprive you of your property, and even of your wives and sons. To avert this you must co-operate by lending me a helping hand. But

[1] Bk. v, Sec. 2.

in this let there be no violation of the accepted canons of taxation. By your help again I shall be protected. What is the use of treasure, if it were not used in times of great crisis?' In this way it is said the appeal must be couched in soft and sweet words so that it may produce the desired effect.[1]

Here is proof positive to show that war-loans were a feature of early Indian administration. Its importance lies in the fact that these loans were not exacted by force or realized by fraud in ancient India. The tendencies are quite modern. And from the wording of the appeal it is certain how both the state and the people realized their mutual interdependence, and how the welfare

[1] इयं आपत्समुत्पन्ना परचक्रभयं महत ।
अपि चान्ताय कल्पन्ते वेणोरिव फलागमाः ॥

अस्यां आपदि घोरायां संप्राप्ते दारुणे भये ।
परित्राणाय भवतः प्रार्थयिष्ये धनानि वः ॥
प्रतिदास्ये च भवतां सर्वं चाहं भयक्षये ।
नारयः प्रतिदास्यन्ति यद्द्रेयुर्बलादितः ॥
. . . .
नन्दामि वः प्रभावेण पुत्राणामिव चोदये ।
यथाशक्यमुपगृह्णामि रांष्ट्रस्यापीडया च वः ॥
आपत्स्वेव निगोढव्यं भवद्भिः संगतैरिह ।
न वः प्रियतरं कार्यं धनं कस्यांचिदापदि ॥
इति वाचा मधुरया श्लक्ष्णया सोपचारया ।
स्वरश्मीनभ्यवसृजेद्योगमाधाय कालवित ॥

(*Sānti Parvan*, lxxxvii. 27-34.)

(*yogakshema*) of one was intimately bound up with that of the other.[1] The state felt its helplessness in the face of a grave crisis without the people's help. And surely this mutual action would have led to notable results. Even here loans must be obtained from those who could afford. The poor must not be forced to pay out of their small incomes. But if those who could afford did not come forward to help in times of necessity, the king may then use force to increase his treasure which was only to realize the ends of human existence, and hence not immoral. If necessary the thorns in the way of increasing the treasury may be removed so as to achieve the objects of life. The nature of this *dharma* is best illustrated thus: for an *yajña* people cut a *yūpastamba* tree. To get this such other trees as stand in its way are cut down. When these fall they cause the falling of other trees in their neighbourhood. So also with a little trouble and effort the treasury could be increased but only in cases of extreme necessity.[2]

This is another instance to show that the ancient Hindus were a practical people.

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[1] राजा राष्ट्रं यथापत्सु द्रव्यौघैः परिरक्षति ।

राष्ट्रेण राजा व्यसने परिरक्ष्यस्तथा भवेत् ॥

<div align="right">(<i>Sānti Parvan</i>, cxxx. 32.)</div>

[2] यूपं छिन्दन्ति यज्ञार्थं तत्र ये परिपन्थिनः ।

द्रुमाः केचन सामन्ता ध्रुवं छिन्दन्ति तानपि ॥

ते चापि निपतन्तोऽन्यान्निघ्नन्त्यपि वनस्पतीन ।

एवं कोशस्य महतो ये नराः परिपन्थिनः ।

तानहत्वा न पश्यामि सिद्धिमत्र परंतप ॥ (<i>Ibid.</i>, 39 ff.)

Sec. v. THE DEPARTMENT OF FINANCE

This department was under the supervision of two important officials of the state, Sannidhāta and Samāharta. The former answers to the modern minister of finance. He was the supreme officer in charge of the revenues while the Samāharta was the collector-general. He was perhaps the official known as Saṁgrahīta (which Sāyaṇa interprets as treasurer) during the Vedic period. These two officers take the names of Sumantrā and Amātya according to the *Śukranītisāra.*[1] Though there is a change in the names of officers, the functions seem to have remained the same. The duties of the Sannidhāta mentioned in the *Kauṭalīya*[2] are the following: He should see that the revenue properly collected was received duly in his office and that the same was safely kept.[3] He had charge again of precious stones, grain stores, of forest-produce, besides buildings connected with the preservation of the above, treasures of gold, grains and other articles. It seems several separate buildings were erected and an official was placed over each. He had also under his control the buildings in respect of the armoury, the prison-house, the courts of justice and other civil administrative courts.[4] It was also his duty to see that every house was well furnished and left nothing to be desired.

Thus he seems to be more an officer of the Central State. On the other hand the Samāharta was directly connected with the rural areas. He was in charge of the fortresses, mines, agricultural works, forests, roads and cattle. There is evidence to indicate that the

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[1] ii. 204–12. [2] *Arthaśāstra,* Bk. ii, Sec. v.

[3] आत्मपुरुषाधिष्ठितः सन्निधातानिचयानानितिष्ठेत् । (*Ibid.*)

[4] सन्निधाता कोशगृहं पण्यगृहं कोष्ठागारं कुप्यगृहमायुधागारं बन्ध-नागारं च कारयेत् । (*Ibid.*)

superintendents of mines (*ākara*, *khani*),. of metals (*loha*), of the mint (*lakṣaṇa*), of salt (*lavaṇa*), of gold (*svarṇa*), of trade (*paṇya*), of forest-produce (*kupya*), of weights and measures (*tulāmāna pautava*), of tolls (*śulka*), of textiles (*sūtra*), of cultivation (*sīta*), of excise (*surā*), of slaughter-houses (*śuna*), of courtesans (*gaṇika*), of cattle (*go*), of passports (*mudrā*), of pastures (*vivīta*), of gambling (*dyūta*), of charitable institutions (*devata*), of prison-houses (*bandhanāgāra*) were all under the control and supervision of the Samāharta. He seems to have been a busy official attending to both the administration of the city in which he lived (the *nāgaraka* being his subordinate) and of the local areas. His functions also included some branch of police work. It was his other duty to make a classification of the villages for the purpose of revenue collection. Five classes are distinguished—areas exempted from paying taxes, those supplying man-force for military services, those paying taxes in gold, those paying them in kind, and those supplying free labour.[1]

The treasury and the store-house were, it can be presumed, under the management of the Sannidhāta. A treasury consists of deposits of gold, of useful and valuable materials built by loyal servants, pearls and gems earned according to *dharma* by predecessors, undiminished by unexpected expenditure.[2] Jayaswal speaks of an exchequer under the ministry during the Vedic period and thinks the Vedic Ratnins were connected with it. If he is right, then Kauṭalya's system is certainly an improved one. From the *Arthaśāstra* we see the treasury of the Mauryas contained pearls from the Pāṇḍya and Kerala countries, from Persia and the Himalayas, gems (*mani*) of different sizes and value from the Vindhyas and Malaya mountains,

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[1] *Arthaśāstra*, Bk. ii, Sec. vi.   [2] **Kāmandaka**, iv. 60-61.

diamonds of various kinds from Kalinga, Kośala, Benares, and coral from the isle of Yavanas.[1]   There came also perfumes of different varieties, furs and fabrics of several kinds, produced in different parts of India, besides minted coins of silver and copper (*rūpyarūpa* and *tāmra-rūpa*).   To the storehouse (*koṣṭhāgāra*) came the agricultural produce of crown lands and other Government dues received in kind.   Besides grains, a number of varieties of oil, sugar, pungents, salt etc., are mentioned. It is said that half of them was utilized in the shape of allowances to the members of the royal family and their dependents.   The remaining half was held in reserve to meet unexpected expenditure due to calamities like famine.   The Sannidhāta had thus a first-hand knowledge of the total income and expenditure of the state. He was expected to have records of income and expenditure running over a hundred years, so that whenever questioned, he could place on the table records showing the exact balance at any given period.[2]   It was hence his duty to frame budgets which would show a desirable balance at the end of the year.[3]

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[1] *Arthaśāstra*, Bk. ii, chap. ii.

Śukra speaks of nine kinds of gems with their different qualities, iv. ii. 40 ff.   This chapter of the Arthaśāstra is interesting in that it shows the extensive intercourse of North India with the extreme South India and Ceylon.   It also shows the flourishing state of the Pāṇḍyas, Keralās, and the Ceylonese about 300 B.C.   This is further attested by references in the *Rāmāyaṇa*, the *Mahābhārata* and the writings of Megasthenes.

[2] बाह्यमाभ्यन्तरं चायं विद्यात् वर्षशतादपि ।

यथा पृष्टो न सज्येत व्ययशेषं च दर्शयेत् ॥

(*Arthaśāstra*, Bk. ii, Sec. 5.)

[3] इयच्च संचितं द्रव्यं वत्सरेऽस्मिन्नृणादिकं ।

व्ययीभूतमियच्चैव शेषं स्थावरजंगमं ।

इयदस्तीति वै राज्ञे सुमंत्री विनिवेदयेत् ॥ (Śukra, ii. 102-3.)

Connected with this department was the Accounts department which was presumably under the charge of special superintendents who were directly responsible to the Sannidhāta. To exercise proper control over the finances of the state it was deemed a necessity to maintain an Accounts department as well as a Record office. Monahan is right when he interprets the *akṣapaṭala* both as an accountant's office and a general record room.[1] Here were maintained books well-arranged according to the respective accounts of countries, villages, families and corporations. There was further noted against the individual member of each family of a village, or country, his profession, age, caste and income. There were also title-deeds as regards the sale and purchase of lands as well as royal grants, showing the special cases wherein remission of taxes was generally allowed. In short every minute detail in respect of the finances of the realm was recorded by entry in the respective account-books. Not only were books maintained for noting down the items of income to the state but there were also corresponding books for expenditure.[2]

More or less connected with the topic under discussion is that of official documents, which are either official letters (*lekha*), or royal writs (*śāsana*). Official letters are classified according to their purport: blame (*nindā*), praise (*praśaṃsā*), inquiry (*pṛcchā*), narration (*ākhyāna*), request (*arthana*), refusal (*pratyākhyāna*), censure (*upālambha*), prohibition (*pratiṣedha*), command (*codanā*), conciliation (*sāntvam*), promise of help (*abhyavāpatti*), threat (*bhartsana*), persuasion (*anunaya*). Writs or decrees are the following: notice (*prajñapana*), command (*ājñā*),

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[1] *Early History of Bengal*, p. 45.　　[2] *Arthaśāstra*, Bk. ii, Sec. 7.

gift (*paridāna*), remission (*parihāra*), licence (*nisṛṣṭi*), instruction (*pravṛttilekha*), reply (*pratilekha*), general proclamation (*sarvatragā*).[1] These different documents show how elaborate must have been the administration of the land, and how orderly the system of government. There were records which were presumably presented in the Record office under the supervision of the Accountant-general. For they dealt with matters pertaining to the state, and hence would be required for reference occasionally.

Copies of ultimatum issued to hostile monarchs and of treaties were also maintained.[2] The items of income as well as expenditure were daily, monthly and annual respectively. There were also separate accounts wherein every item of public expenditure according to the various departments was found mentioned : state manufactories, their outlay, profit, loss, expenditure, and the balance. There were also records showing the receipt of valuable gems, pearls, and other precious stones, or metals, as well as the receipts from the treasury, towards the expenses of royal household, or foreign wars, or treaties. They further maintained accounts as to the civil list and those relating to the military administration of the realm. From these it would appear that this department was virtually the most important as actual records were here maintained in respect of all state activities. Thus the Mauryan Government can be said to have possessed many attributes of modern administration, especially in the

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[1] *Early History of Bengal*, p. 46; *Arthaśāstra*, Bk. ii, Sec. 10.

[2] सन्धिविक्रमप्रदानादानानि निबन्धपुस्तकस्थं कारयेत् ।

(*Arthaśāstra*, Bk. ii, Sec. 7.)

department of finance.   It is interesting to examine the various items in respect of an account:

1.   Balance at the commencement of the year, or the opening balance (वर्तमान:).

2.   Balance on hand (पर्युषित:).

3.   Windfalls (अन्यजात:): Amount written off by others, not claiming it in proper time ; fines for misconduct of government servants, marginal revenue (पार्श्वं), compensation for damages, presents to the king, unclaimed property of deceased men leaving no legal heirs, finds of treasure, treasure-troves.[1]

The accompanying books were preserved in shelves opposite which seats were arranged for clerks to sit and work with.   Duly qualified men were appointed as assistants in the office.   Yājñavalkya recommends loyal and honest men for the work of collection and disbursement.[2]   In Kāmandaka's opinion these were to be selected by the king from his own kinsmen who must, however, be experts in different branches of business.[3] The working year was reckoned as 354 days and nights. The budget seasons commenced towards the close of the month of Āshāda, or roughly the middle of July.[4]   Strict discipline was maintained.   No government servant could absent himself without leave.   Any loss occurring during such voluntary absence should be made good from his private property.   Again loss of revenue due to ignorance (अज्ञानं), carelessness (आलस्यं), inadvertence

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[1] *Arthaśāstra*, Bk. ii Sec. 6.

[2] तत्र तत्र च निष्णातानध्यक्षान्कुशलान् शुचीन् ।

प्रकुर्यादायकर्मान्तव्ययकर्मसु चोदयात् ॥(Yāj., i. 322.)

[3] v. 74-76.   [4] *Arthaśāstra*, Bk. ii, chap. 6 and 7.

(प्रमाद), fear (भय), selfishness on the part of government servants (काम, कोप, दर्प, लोभ), was adequately compensated for. This amount was in no way fixed. Manu ordains a fine equal to the loss while Parāśara, Bṛhaspati, and Uśanas recommend eight, ten, and twenty times the loss. Kauṭalya rules the fine to be proportional to the guilt.[1]

The accountants (*karaṇika*) were to submit their annual accounts by the first of the month of Srāvana when set officers begin auditing them. The account books from rural areas were to be presented in sealed covers showing the receipts, expenditure, and the net balance.[2] Those who did not submit their books in proper time were liable to a fine. There should be no delay in the auditing of accounts. The auditor in his turn sent them as audited to the secretaries of the respective departments. A time of grace was usually allowed in submitting the accounts having regard to the nature of those accounts.[3] Such of the officials as had shown increased items of income and decreased expenditure were to be rewarded, and if reverse they were punished.[4] The accounts were to be

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[1] ‘यावानर्थोपघातः तावानेकोत्तरो दण्डः ’ इति मानवाः ॥

‘सर्वेत्राष्टगुणः ’ इति पाराशराः ॥

‘दशगुणः ’ इति बार्हस्पत्याः ॥

‘विंशतिगुणः ’ इत्यौशनसाः ॥

‘यथाऽपराधम्’ इति कौटिल्यः । (*Arthaśāstra*, Bk. ii, chap. 7.)

[2] गाणनिक्यान्याषाढीभागक्लेयुः । आगतानां समुद्रपुस्तकभाण्डनीवीका-नामेकत्र सम्भाषावरोधं कारयेत् । (*Arthaśāstra*, Bk. ii, chap. 7.)

[3] अल्पशेषलेह्ययनोबिकं पञ्चरात्रमाकाङ्क्षेत । (*Ibid.*)

[4] *Arthaśāstra*, Bk. ii, chap. 7.

submitted only in the prescribed forms, and any depar-
ture from this, and also double or treble entries were
punished. Manipulation of entries, false accounts and
scraping off the net-total were severely dealt with.[1]

Embezzlement.—While on this subject a passing
reference may be made to the different forms of embezzle-
ment by government servants. Kautalya distinguishes
forty forms of embezzlement though Monahan remarks
that thirty-six forms are enumerated. The forty are :—

1.   A later entry of a former realization.
2.   And *vice versa* (these two are generally in
cases of rice, wheat, and other crops).
3.   Leaving out what ought to be got.
4.   Entering as realized though not actually reali-
zed. (This latter may be taxes from Brahmans).
5.   Actually collecting and not entering it and
6.   The reverse.
7.   Realizing a portion due and showing it full.
8.   *Vice versa.*
9.   Gathering one sort and entering another, e.g.,
pulses for rice.
10.   Realizing from a certain source or party and
entering a different source.
11.   Paying where no payment is due and
12.   *Vice versa.*
13.   Not paying on proper occasions such as gifts
on marriage day.
14.   Irregular and later payments so as to receive
bribes from the party.
15.   Giving large gifts in place of small gifts and

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[1] क्रमावहीनं उत्क्रममविज्ञातं पुनरुक्तं वा वस्तुकमवलिहतो द्वादशपणो
दण्ड: । नीबीमवलिखतो द्विगुण: .... (*Arthaśāstra*, Bk. ii, chap. 7.)

16. *Vice versa.*

17. Wrong entry of gifts awarded.

18. Wrong entry of the names of the donee.

19. Crediting a wrong thing in the place of another received.

20. Wrong entries of raw materials paid for and not paid for.

21. Entering individual assessments for a levy on the whole village and

22. *Vice versa.*

23. Exchanging valuable commodities for those of lower value and

24. *Vice versa.*

25. Entering increased prices for objects of low value and

26. *Vice versa.*

27–28. Wrong entry as to the actual number of days worked both by adding and subtracting.

29. Months not tallying with years, and

30. Days not tallying with months.

31. Wrong transactions as regards labourers' pay, etc.

32. Misrepresenting sources of income.

33. Misrepresenting charities given.

34. False statements of actual fact. (The commentator cites as an example that the superintendent of the ferry appropriating the dues to himself under the shelter of a false plea that the Srotriyas alone crossed the river).

35. No consistency even in entry of fixed items.

36. False representation of standards of test and fineness.

37–40. Misappropriation by use of false weights and measures, by giving wrong prices, by deceit in the

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counting of the numbers of articles bought or sold, and by the use of wrong cubic measurements (*bhājana*).

In these cases the officials involved were the treasurer (*nidhāyaka*), the prescriber (*nibandhaka*), the receiver (*pratigrāhaka*),the payer (*dāyaka*), the middleman (*dāpaka*) and the menial servants. That person who was responsible for the offence was to be punished according to the nature of the crime committed. Informants who succeeded in proving the charge were to be rewarded and those who failed in establishing their position were liable to punishment for having cast reflection on the innocent.[1] The punishment varied according to the gravity of the guilt. Small guilt was always attended by the king's pardon. But clever and intelligent accountants were always rewarded with titles and honours in the court.[2] Another feature of the *Kauṭalīyan* finance is the grant of travelling allowances for servants going on state business. There is a practical illustration of this in the *Rāmāyaṇa* where Vasiṣṭha orders royal messengers to go and fetch Bharata immediately from his uncle's house to Ayodhya on the death of Daśaratha. They set out after having drawn the travelling and halting allowances (दत्तपथ्याशना),[3] which Govindarāja interprets as दत्तमार्गाशनहेतुभूतद्रव्या: In this connection we may mention another feature of ancient Hindu administration which is as much an anticipation of what is regarded as modern. Government servants were often transferred from one place to another (विक्षेप). The object of this is said to mitigate the evils of bribery and corruption, on the part of the servants.[4] But

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[1] *Arthaśāstra*, Bk. ii, Sec. 8.   [2] *Ibid.*, Sec. 7.   [3] ii. 68. 10.

[4] शतवर्गसहस्रवर्गाणामध्यक्षा भक्तवेतनलाभमादेशं विक्षेपं च कुर्यु: ।

(*Arthaśāstra*, Bk. v, Sec. iii.)

there were certain offices which remained permanent, and there was no transfer of officers. These were those who were placed in charge of the palace, fortresses and country parts.[1]

It is further interesting to examine that Government officials, especially of the revenue department (it appears also true of all departments), were to be entertained first as temporary hands. They were made permanent in course of time, if they proved loyal to the work and won the approval of superiors by showing an increase in the revenue.[2] Such permanent servants of the state are entitled to certain privileges and rights by way of leave and reward. There were both full-time servants, or servants who had to work both day and night, and day servants, or servants who had no duty during nights. The full-time servants were given rest one *yāma* or three hours for the day, and three *yāma* for the night. That is to say a full-time servant was to work twelve hours in all for a whole day. The day servants enjoyed half a *yāma* in the day and also all the night.[3] Besides there were full holidays on days of festivities and festivals. Special leave was given to those who had to perform religious ceremonies.[4] In addition, a Government servant was entitled to fifteen days' leave for a year.

There was a wonderful arrangement of sick leave. Ordinarily a man who had served for five years was

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[1] अविक्षेपो राजपरिग्रहद्गेराष्ट्ररक्षावेक्षणेषु च नित्यमुख्यास्त्वनेक-
मुख्याश्च । (*Arthaśāstra*, Bk. v, Sec. iii.)

[2] *Ibid.*

[3] भृत्यानां गृहकृत्यार्थं दिवायामं समुत्सृजेत् ।
निशियामत्रयं नित्यं दिनमृत्येऽर्धयामकम् ॥ (Śukra, ii. 408)

[4] अत्याश्रयं तत्सवेऽपि हित्वाश्राद्धदिनं सदा । (*Ibid.*, 409.)

entitled to three months' leave with three-fourth wages,
and six months if the disease was of a serious nature.[1]
Full wages were given to all in the case of a week's sick
leave. If leave were taken for a year and more, a
substitute was appointed, and in the case of the highly
qualified, half the pay was given for the whole period.[2]
Generally one-eighth of the pay was allowed as reward
every year. This perhaps refers to the annual increments
for the staff. There were in vogue both the systems of
provident fund and pension for service. He was entitled
to half-pension who would retire from service at the age
of forty. This was not only for life but continued even
after the servant's death, provided his son was a minor
and incapable of earning his livelihood; and in the
absence of a son to his wife and well-behaved daughters.[3]
No further testimony is required to indicate that ancient
Hindu administration was run on humane and yet
efficient lines. The state offered to help the helpless,

[1] पादहोनां भृतिं खार्तं दद्यात् त्रैमासिकीं ततः ।

पञ्चवत्सरभृत्येत न्यूनाधिक्यं यथा तथा ॥

षाण्मासिकीं तु दोर्घार्तं तदूर्ध्वं न च कल्पयेत् । (Śukra, ii. 410-11.)

[2] संवत्सरोषितस्यापि ग्राह्यः प्रतिनिधिस्ततः ।

सुमहत्गुणिनं खार्तं भृत्यर्धं कल्पयेत्सदा ॥

[3] चत्वारिंशत् समानोतासेवया येन वै नृपः ।

सेवां विना नृपः पक्षं दद्याद्धृत्याय वत्सरे ।

ततस्सेवां विना तस्मै भृत्यर्धं कल्पयेत् सदा ॥

यावज्जीवं तु तत्पुत्रेऽक्षमे बाले तदर्धकं ।

भार्यायां वा सुशीलायां कन्यायां वा खश्रेयसे ।

अष्टमांशं पारितोष्यं दद्याद् भृत्याय वत्सरे । (Ibid., 410-16.)

and the needy in times of need. This solved one of the very important social and economic problems. The state found employment for the unemployed and provided for the incapable. This social activity on the part of the state kept out many of the economic ills of modern days. These very important rules and regulations of pay, discipline, leave, allowances and pension testify to a state of highly developed administration, to the perfection of which ancient political thinkers and theorists contributed not a little.

We shall close this chapter with the following reflection of Kauṭalya which speaks for itself:—

The whole administrative edifice is dependent on finance . . . . . progress of trade and commerce (प्रचारसमृद्धि:), sympathy with the well-behaved (चारित्रानुग्रह:), absence of robbery or good policing, reduction of the establishment in overcrowded departments, plenty of crops, prosperous commerce, freedom from calamities and difficulties of any kind (उपसर्गप्रमोक्ष:), moderate remission in the matter of taxes, means for the increase of income in gold (*hirṇyopāyanam*), these are elements that contribute to the financial prosperity of a state. The following on the other hand tend towards financial adversity : not taking advantage of the opportunity (प्रतिबन्ध), lending state money on interest (प्रयोग), illicit transactions (व्यवहार), fabricating accounts (अवस्तार), diminution of revenue (*parihāpaṇa*), misappropriation of the valuables (*upabhoga*), illegal exchange of goods and articles (परिवर्तना), and defalcation (अपहार). The last, namely, defalcation may be in three ways :

1. The total revenue due is not handed over to the exchequer.

2.   What needs to be spent for the establishment has not been properly expended.

3.   Misrepresentation in the amount actually realized with numerous precautions to detect the offences. It does not require any effort of imagination to conclude that every endeavour was made to attain financial prosperity in ancient Indian states generally.[1]

[1] कोशपूर्वीस्सर्वारम्भाः । तस्मात्पूर्वंकोशमन्वेक्षेत ।

प्रचारसमर्धिः चरितानुग्रह्श्चोरग्रहो युक्तप्रतिषेधः सस्यसम्पत्पण्यबाहु-ल्यमुपसर्गप्रमोक्षः परिहरक्षयो हिरण्योपायनमिति कोशवृद्धिः ॥

प्रतिबन्धः प्रयोगो व्यवहारोऽवस्तारः परिह्रासुपणापभोगः परिवर्तन-मपहारश्चेति कोशक्षयः ॥

. . . .

छिद्रमायं न प्रवेशयति । निबन्धं व्ययं न प्रयच्छति । प्राप्तां नीवीं विप्रतिजानीत इत्यपहारः ।

(*Arthaśāstra*, Bk. ii, chap. 8.)

CHAPTER V

THE DEPARTMENT OF JUSTICE

Sec. i. IN THE VEDIC PERIOD

THE conception of the term ' law ' in ancient India was that of a body of precepts accepted as suitable for the guidance of human action. But law as understood to-day is a general rule of action enforced by a sovereign political authority. The one chief source of law to-day is legislation which consists of definite acts passed by the Legislature of the state in the shape of representative assemblies, for example, the British Parliament. In ancient India there were, no doubt, representative organizations but these were not legislatures in the sense in which we understand the term. The one important source of law for the Hindus is the Veda, all the *Dharmaśāstras* or codes of law having their basis in the Vedas. The law-givers in the classical period of Indian History have taken the floating tradition, customs and usages of each tribe or people, and have established them as laws based on the Vedas and hence they are deemed sacred and inviolable.

This reminds us of the ancient Teutons to whom law was purely a matter of custom ' the law of diverse people' as opposed to the Roman law of a unified state, and the legislature was independent of the executive. Especially was this so after the codification of the law by the *smṛti-kartas* such as Manu, Nārada, and Gautama. Even in

Vedic days the use of terms such as *jīvagṛh*[1] and *ugra*[2] shows that it was the function of the executive to administer the laws of the land.

Law then gained supreme authority in the land and the ancient Hindu monarch felt obliged to accept it without any reservation. He was not above the law but under it. If he swerved from the accepted law of the land he was liable to punishment like any other citizen of the state.[3] The *Bṛhadāraṇyaka Upaniṣad* says[4] the law is 'the king of kings'. This dominating position of the law of the Hindus is due to the fact that the ancients conceived that law was not a man-made thing but a divinely declared one. The codes of law or the *Dharmaśāstras* were not only legal but also religious. In matters, secular and sacred, the law depended alike for sanction upon religion and the acceptance of the *śiṣṭas* in the state. For the laws were intended for man to realize the four *puruṣārthas* of each individual—*dharma*, *artha*, *kāma* and *mokṣa*. The sources of law increased in number when the various early tribes gradually evolved into an organized society. Hence the law-giver Gautama includes the *Dharma-*

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[1] *R.V.* x. 97. 11.

Jīvagṛh 'seizing alive' is according to Roth (St Petersberg Dictionary) the term for a police official. But although this sense is rendered possible by the mention of the *madhyamasi* perhaps 'arbitrator' in the same passage, it is neither necessary nor probable. (*V.I.*, vol. i, p. 288.)

[2] vii. 38. 6. *Ugra* (p. 83, vol. i) in one passage of the *Bṛhadāraṇyaka Upaniṣad* (vi. 3, 37-38) seems to have a technical force denoting a 'man in authority'; or according to Max-Muller's rendering, *Policeman*. Roth compares a passage in the *Rig-Veda*, vii. 38-6 where, however, the word has simply the general sense of 'mighty man'. Bothlingk in his rendering of the *Upaniṣad* treats the word as merely adjectival.

[3] काषीपणं भवेद्दण्डो यत्रान्य: प्राकृतो जन: ।

तत्र राजा भवेद्दण्ड्य: सहस्रमिति धारणा ॥ (Manu, viii. 336.)

[4] 1-4, 12.

śastra, *Purāṇas* and customs of the country, of the community, or family as other sources of ancient Hindu law.   To these Gautama adds equity also.[1]

In later days scientific commentaries on these codes of law such as *Mitākṣara* on *Yājñavalkya* came also to be considered as legal authorities to be consulted upon in adjudication of causes.   It was the privilege of the great authors of the *Dharmasūtras* and *Dharmaśāstras* to interpret the tangled Vedic texts. Even Apastamba remarks of the great difficulty in discriminating law from the Vedas.[2] While Apastamba and Baudhāyana recognize the *śruti*, *smṛti*, and *sistāchara* (the *sadāchāra* of *smṛtis*) as the primary sources of law, Manu adds ' आत्मतुष्टि: ' on which Garga thus comments.[3] Yājñavalkya mentions these and adds other subsidiary sources—adjudication, judicial decision, *nyāyā*, *mīmāṁsa*, royal edicts and local usages.[4]   In conformity with the law-givers the *Kauṭalīya* speaks of four heads of law— *dharma*, *vyavahāra*, *chāritra* and *rājaśāsana*. *Dharma*

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[1] व्यवहारो वेदो धर्मेशास्त्राण्यङ्गान्युपवेदाः पुराणं देशजातिकुलध-र्मौश्च्वास्नायै: अविरुद्धाः प्रमाणाः। ......न्यायाविगमेतकों ऽम्युपायस्तेनाम्पूह यथास्थानं गमयेत् । विप्रतिपत्तौ त्रयोविद्याबृद्धेभ्यः प्रत्यवहृत्य निष्ठां गम-येत् । (Gautama, xi. 19-26; cp. Manu, viii. 41 and 46.)

[2] कृच्छ्रा धर्मसमाप्तिः समाम्नातेन । लक्षणकर्मणात्तु समाप्यते ।
(ii. 11. 29. 13.)

[3] " त्रैकल्पिके आत्मतुष्टिः प्रमाणम् " ॥

वेदोऽखिलो धर्ममूलं स्मृत्यशीले च तद्विदाम् ।
आचारश्चैव साधूनां आत्मनस्तुष्टिरेव च ॥

Vide Kullūka Bhaṭṭa's commentary on Manu, ii. 6.
[4] i. 3 and 7.

is to speak the truth, *vyavahāra* is to rest on evidence, custom is the decision of the community or a corporate body, and *rājaśāsana* is the royal edict, or command.[1] While accepting *dharma* as the basic source, Kauṭalya, practical statesman as he is, gives a preponderating position to equity in those cases where *dharma* or the sacred law is in direct contravention of all equity. This is also the ruling of Nārada[2] which is not unacceptable to Yājñavalkya who speaks of the superiority of the *Dharmaśāstras* to the *Arthaśāstra*.[3] It is to be inferred from this that the recommendation of equity as a source of law did not mean the breaking of the traditional law which was considered a sin against God and religion. What is equity after all? Sir Henry Maine says : ' Any body of rules existing by the side of the original civil law founded on distinct principles and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles.' This means that though the letter of the law is violated, the spirit of the law is always kept alive in adjudicating causes.

That law must change according to new conditions and circumstances must be borne in mind. And this was certainly understood and realized in ancient India. Even Yājñavalkya, the orthodox pandit, has to admit ' equity ' at least as a secondary source of law. This means that positive law as found in the *smṛtis* was not adequate to minister to the needs of the times. In this respect Kauṭalya and Nārada show themselves not mere theorists as some scholars seem to believe, but practical men well-

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[1] *Arthaśāstra*, Bk. iii, Sec. 1.   [2] See Jolly, *Legal Procedure*, p. 41.

[3]
स्मृत्योर्विरोधे न्यायस्तु बलवान् व्यवहारतः ।

अर्थशास्त्रात्तु बलवद्धर्मशास्त्रमिति स्थितिः ॥ (Yāj., ii. 21.)

versed in administrative affairs.   Because equity is
recommended we cannot say that the authors have no
regard for the law of the *śāstras*. Equity arises only when
the law of the *smṛti* cannot properly provide equality
of justice.   Thus Kauṭalya and Nārada were not blind
pandits as some take them to be but true statesmen.
The sanction of law has the common will as the basis,
and so long this idea of the common will underlies these
legal principles, the law operates satisfactorily to all,
whether you call it law, morality or by any other name.
This common will is nothing but the expression of healthy
public opinion which is a feature of ancient Indian
democracy.

Passing on to the consideration of the actual law in
operation we meet more with civil justice than with cri-
minal, ordinarily in the classical period of Hindu India.
There is not much of the positive law in Vedic literature
in general and this assumed definite shape, or became
embodied in the codes of law or the *Dharmaśāstras*.
Thus we find much of the positive law in these *smṛti*
texts.   There is no warrant for the theory that there was
any elaborate judicial organization in the Vedic period ;
or rather there was no need for it, the people living in
scattered tracts and in groups, each group being self-
contained and independent.   Here the elders of that
group took cognizance of the cases arising among the
members of the group, and punishment was awarded
according to the nature of the offence by the group elders
in accordance with local usages or customs.   Even
here we cannot deny that the Vedic Indians had a con-
ception of differentiation of the law as civil and criminal.
Macdonell and Keith, after enumerating a few crimes
such as slaying of an embryo (*bhrūṇa*), homicide, murder
of a Brahman, and treachery, remark thus : ' There is no

trace of organized communal justice vested either in the king or in the people.   There still seems to have pre-vailed the system of wergeld (*vaira*) which indicates that criminal justice remained in the hands of those who were wronged.[1]   The system of money-compensation for murder is examined by R. Roth in a contribution entitled ' *wergelim Veda*' to the *Zeitschrift der Deuschen Morgen-ländischen gesellschaft*.[2]   Surely it marks a stage when the criminal powers vested in the sovereign were rather weak and the latter was, perhaps, not sufficiently armed to award severe punishment.

The *Chāndogya Upaniṣad*,[3] and the *Taittarīya Āraṇyaka*,[4] enumerate a number of criminal offences which deserve the severest form of punishment.   The thief caught in the act, the murderer of a Brahman, the defiler of the precepter's bed, the drinker of spirituous liquors, the stealer of cows and gold, are all unpardon-able crimes.   The first text also speaks of the ordeal of the red-hot axe,[5] perhaps used for suspected cases of theft.   Inference is then irresistible that there was some sort of judicial procedure in vogue in the later period of the Vedic age.

On the question of the civil law the learned authors remark : ' The relations of the family and the question of family property are dealt with under *urvara, kṣetra, pati :* succession and partition of property are treated under *dāya*. As regards the transfer of chattels—the reco-gnized modes of gifts (*dāna*) and barter or sale (*kraya*) which includes exchange.' Also money-lending contracts (*ṛṇa*) are allowed. As regards the procedure they seem to read in the terms *praśnin, abhi-praśnin,* and *prāśna-viveka,* the plaintiff, the defendant, and the judge.

[1] *V. I.*, vol. i, p. 391.   [2] *Z.D.M.G.*, vol. 41, pp. 372-76.
[3] v. 10. 9.   [4] x. 65.   [5] vi. 16; cf. *Pañch. Br.*, 14. 66.

The term *madhyamasi* in the Vedic texts seems to indicate that he must have been an arbitrator in the strict sense and not a judge. The civil procedure amount-ed to a voluntary arbitration.   Did the Vedic laws exer-cise a moral check on the civil population is a moot ques-tion considered at length by Professors Macdonell and Keith.   After refuting Zimmer's view as regards the exposure of children and the aged, the learned authors accept the existence of prostitution as a regular institu-tion besides adultery and incest in practice.[1] That these were condemned as offences is obvious.   Thus the law was both legal and moral.   It was in that way half-law, half-morality.   It would then appear that in the Vedic period generally though a distinction was made between civil law and criminal law, law and morality, still there was very little judicial organization or procedure of the law.   Justice as a distinct branch of the Government was in the making, towards the close of the classical period.   For the *Dharmasūtras* and the *epics* not to speak of the *Arthaśāstra* of Kauṭalya deal with an elabo-rate and complex machinery of the judiciary which mani-fests that a settled society had come into being and in its wake, a code of law.

Sec. ii. THE EPOCH OF THE *DHARMAŚĀSTRAS* AND THE EPICS

In the period under survey (the age of the *Dharma-śāstras* and the *epics*), law tends to become territorial in character though it still remains essentially personal or religious.   This transition is considerably helped by the growing conditions of the states themselves.   The states are no more small units with a few hundreds of peoples.

[1] *V. I.*, vol. i, p. 392 ff.

They are on the other hand big territorial units comprising a vast area. Even the ideas of an empire are not unknown. The *Rāmāyaṇa* shows an Indian Empire in theory stretching from the Himalayas to Ceylon all under the sway of Rāma. In this epoch again the subsidiary sources of law exercised a profound influence. With the organization of the judicial department there was also an advancement in legal procedure. The duty of the judges was the same as it is to-day. The application of the law to cases coming before them and interpretation of its technicalities and advice to the king on law, morality, and ethics were their chief functions.[1]

We have no direct evidence as to the method of appointing judges. To-day generally three methods are pursued in modern states—election by the legislature, as in Switzerland; popular election as in the individual states of the United States of America, and appointment by the head of the executive as in very many cases. The last method is commonly deemed the most satisfactory one and the little evidence there is on the subject shows that this was also the practice in ancient India. Election by the legislature was out of the question for there was no legislature as such. Popular election was not applicable to the central state machinery though it was known then. People forming different corporate bodies and those living in villages voluntarily appointed some learned elders of the village and the neighbourhood to decide disputes arising among themselves. These were more arbitrators than judges in the real sense of the word. For they decided cases by arbitration. Whatever might have been the method of election to the communal assemblies (this was undoubtedly by popular election),

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[1] Fick, *Social Organization*, Trans. by Maitra, p. 97.

the judges of the royal court or the *sabhā* were invariably appointed by the executive Government who were competent to demand the necessary personal qualities required in a judge and select him for the office.[1]

The judges were usually selected from among the lawyers who were invariably of the Brahmana community. As the custodian of *dharma*, the Brahmana was essential for the filling up of the judicial offices. Jayaswal writes : 'Law proper and law ecclesiastical in administration tended to unite into one and unite in the hand of the Brahman judge. And the Brahman was fairly above the influence of the king.'[2] Even in the *Jātaka* literature of the Buddhists we find the *purohita* and the Brahmans as ministers of law and justice.

The qualities in a lawyer that marked him out to occupy judicial offices were independence of character, great learning in the various branches of law, and impartiality. These were essential in a judge according to Yājñavalkya.[3] The *Mrchchakaṭi* says : 'Reproach indeed is easy, discrimination but of rare occurrence, and the quality of a judge is readily the subject of censure. A judge should be learned, sagacious, eloquent, dispassionate, impartial : he should pronounce judgment only after due deliberation and enquiry ; he should be a guardian to the weak, a terror to the wicked ; his heart should covet nothing, his mind be intent on,

[1] श्रुताध्ययनसंपन्ना धर्मज्ञाः सत्यवादिनः ।

राज्ञासभासदः कार्यो रिपौ मित्रे च ये समाः ।

अपश्यता कार्यवशाद्व्यवहारान् नृपेण तु ।

सम्यैः सह नियोक्तव्यो ब्राह्मणः सर्वधर्मवित् ॥ (Yāj., ii. 2-3.)

[2] *Hindu Polity*, part ii, p. 153.

[3] ii. 2, 3 ; cf. Bṛhaspati, 1. 3 : and Śukra, iv. 5. 14.

nothing but equity and truth, and he should keep aloof
from the anger of the king.'[1]   The judges were commonly
called the *dharmādhikārin*, the *pradeṣṭ,* or the *paṇḍita*.[2]
The chief judge is called the *prāḍvivāka* who presided
over the royal *sabhā* which was the High Court of
justice.   On this officer Nārada writes :   ' He is called a
(*prāḍvivāka*) chief judge who—fully acquainted with the
eighteen titles (of law) and with the eight thousand sub-
divisions thereof, skilled in logic and other branches of
science and thoroughly versed in revealed and tradi-
tional lore, investigates the law relative to the case in
hand by putting questions (*prāṭ*) and passing a decision
(*vivecayati*) according to what was heard or understood
by him.'[3]   This officer was the representative of the
king and invariably a Brahman.[4]   To this Bṛhaspati
adds that the judge should examine the accused by
questions and counter-questions.[5]   He must begin speak-
ing in a pleasing manner perhaps to create confidence
and then deal with the accused according to the law.
Vyāsa rules that he must examine the case with the
assessors and never by himself.[6]

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[1] H. H. Wilson Trans. Act ix.   [2] *Ar. Śās.* iv. 9 ; Śukra ii. 99, 100.
[3] i. 1-2 ; *S.B.E.*, vol. xxxiii, p. 233.

[4] यदाकार्य्यवशाद्राजा न पश्येत्कार्य्यनिर्णयम् ।

तदा तत्र नियुञ्जीत ब्राह्मणं शास्त्रपारगम् ॥

<div align="right">(Kātyāyana quoted in R.N.R. p. 18.)</div>

[5] विवादे पृच्छति प्रश्नं प्रतिप्रश्नन्तथैव च ।

प्रियपूर्वं प्राग् वदति प्राङ्विवाकस्ततः स्मृतः ॥

<div align="right">(Rājanītiratnākara, p. 18.)</div>

[6] विवादानुगतं दृष्ट्वा ससम्यस्तु प्रयत्नतः ।

विचारयति येनासौ प्राङ्विवाकस्ततः स्मृतः ॥ (Ibid., p. 19.)

<div align="right">Cf. Manu, viii. 10</div>

The other court-officials mentioned in the *Arthaśāstra* are the bench-clerk in modern parlance, and the officers of the jail (*bandhanāgārādhyakṣa* and *chāraka*). These, not excluding the judges, were liable to punishment if they misconducted themselves. The nature of the punishments varied according to the gravity of the offences. Cases, wherein the *pūrvasāhasa daṇḍa* was applied, were threatening, brow-beating, sending out of court or unjustly silencing ; double of that punishment for defaming or abusing a party to a case in his court. The *madhyamasāhasa daṇḍa* was applied for not asking a question which ought to be asked (*pṛcchya*), asking one which ought not to be asked (*apṛcchya*), rejecting the answer to one which has been asked, and for tutoring, prompting, or reminding a witness. The *uttamasāhasa daṇḍa* was again for corruptly giving advice to parties, settling wrong issues, delay in the settlement of issues, wrong devices to postpone cases, wasting time so as to tire out parties, forcing them to leave the court and taking up cases already disposed of. Again a judge or commissioner who imposes an improper fine is liable to a fine of twice the amount, or of eight times the sum by which the fine imposed exceeds or falls short of the proper sum. 'A judge or commissioner unjustly inflicting corporal punishment is liable to the same punishment, or to pay twice the amount of fine ordinarily imposed in lieu thereof.'[1] There are also punishments mentioned for offences committed by the bench-clerk as well as the jail officials.[2] The *Vyavahāramayūkha* (p. 3) on the

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[1] F. J. Monahan, *Early History of Bengal*, pp. 122–23 ; cf. Yāj. ii. 1–4 .

[2] *Arthaśāstra*, Bk. iv. 9. 'A procurator in a king's court unjustly prosecuting an innocent man, should pay for his guilt with his life. The jailor or the person whose duty is to punish offenders with his own hands, should pay the fine himself in the event of his suffering a criminal duly

authority of Bṛhaspati and Vyāsa mentions another court-official (साध्यपाल:). He was to carry to conclusion matters at issue (साध्यस्य साधक:) by inviting and protecting the witnesses, the plaintiffs and the defendants. He must be honest, truthful and in the confidence of judicial officers. He was invariably a member of the Sūdra community.[1]

Thus the judge of ancient days had to shoulder heavy responsibilities. These indicate the fact that the tenure of his office depended to a great extent on his good behaviour in deciding cases. If he misbehaved he was liable to punishment which necessarily led to the resignation of his office. Side by side with this responsibility their independence was of course unquestioned. Jayaswal aptly remarks : ' the administration of justice under Hindu monarchy remained always separate from the executive and generally dependent in form and ever independent in spirit.'[2]

Sec. iii. THE ORGANIZATION OF THE JUDICIARY

From early Vedic days of Hindu India the administration of justice was centralized. The monarch was alone the administrator of both law and justice. But as time went on and as a settled order of society came to be

convicted and sentenced to escape from his custody.' *Agni*, ccvii. 65–66 M. N. Dutt Trans.

[1] आकारणे रक्षणे च साक्ष्यर्थिप्रतिपादिनाम् ।
सभ्याधीनः सत्यवादो कर्तव्यस्तु खपूरुषः ॥
साध्यपालस्तु कर्तव्यो राज्ञा साध्यस्य साधकः ।
क्रमायातो दृढःशूद्रो सभ्यानां च मंतेस्थितः ॥

[2] *Hindu Polity*, part ii, p. 152.

the rule, it was not possible for the reigning chieftain to carry out all the functions of a judiciary which grew by degrees in volume and extent. So his work had to be entrusted to expert hands who administered the law in the name of the king, or rather the king-in-council.

It is an interesting topic of discussion whether there were regular courts of justice in the pre-classic and the classical period of Hindu India. There is no certain evidence of the existence of such courts as permanent institutions. It may be that the king heard all such complaints in the open court of his palace with his councillors and advisors, and did justice and gave judgment. The king's court might have served the purpose of a law court. But this was only for the time. Traces of permanent institutions for administration of justice are clearly seen in the *Dharmaśāstra* and the *Arthaśāstra* treatises. There is evidence of the fact that by this time the size of the kingdom must have grown larger which made it impossible for the king to attend to all aspects of an ever-growing administration.

The *Kauṭalīya*,[1] mentions two kinds of court, the *dharmāsthīya* and the *kaṇṭakaśodhana*, which are civil and criminal courts respectively,[2] as we understand them to-day and which is the most usual division of courts of justice now obtaining in modern states, though by no means a universal division. Usually three ministers of law sat to decide cases in each of these two courts. But the decision of Kauṭalya is in no way a cut and dried classification. If we consider the nature of the cases that came under the purview of these two courts there is reason to

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[1] Bks. iii and iv.

[2] Prof. K. V. Rangaswami Aiyangar is right when he translates these two terms as ' common and canon law courts ' and ' administrative and police courts.' *Aspects of Polity*, pp. 43–44.

believe that the latter court had, in addition to being a committee of enquiry to hear cases and prevent crimes, the power to inflict corporal or capital punishment on the offenders. The following is the categorical list of cases that came under the jurisdiction of the *dharmāsthīya* court.[1]

1. Contracts in general, व्यवहारस्थापना.

2. Contracts of service, समयस्यानपाकर्म.

3. The rights and duties of the employer स्वाम्यधिकार:

4. The rights and duties of the employed, भृतकाधिकार:.

5.*a* Questions relating to the institution of slavery, दासकल्प:.

5. Debts, ऋणादानं.

6. Deposits, औपनिधिकं.

7. Sales and pre-emption, विक्रीतक्रीतानुशय:

8. Presents and gifts, दत्तस्यानपाकर्म.

9. Highway robbery, साहसं, Cf. *S. T. R.* 8, i, 204-5.

10. Assault, दण्डपारुष्यं, Cf. *Agni*, 258, 15-18.

11. Defamation, वाक्यपारुष्यं, Cf. *Ibid.*, 1-4.

12. Gambling, द्यूतसमाह्वयं, Cf. *Ibid.*, 257, 47–53.

13. Illegal sale of property, अस्वामिविक्रय:.

14. Rights of Possession, स्वस्वामिसंबन्ध:.

15. Boundary disputes, सीमाविवाद: मर्यादास्थापनं, Cf. *Agni*, 257-69, *S.T.R.* 8, 1, 168-173.

16. Houses and their sites, वास्तुकं.

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[1] Cf. N. N. Law, *Studies in Ancient Hindu Polity*, pp. 119-20.

17. Damage to crops, pastures, roads, etc. विवीतक्षेत्रपथहिंसा, Cf. *Agni*, 257, 10-14.

18. Marriage and ' Dowry ' price, विवाहधर्मः, स्त्रीधनकल्पः·

19. Co-operative undertakings, संभूयसमुत्थानं, Cf. *S.T. R.* 8, 1, 223–24.

20. Inheritance and succession, दायविभागः, दायक्रमः Cf. *Agni*, 256 (whole chapter) *S.T.R.* 8, 1, 135-67.

21. Rules of procedure, विवादपदनिबन्धः·

Taking these one by one we find contracts are of different kinds, oral or documentary and entered into for varied purposes.[1] This is not the place to examine the various clauses and the rules and restrictions relating to the law of contract though a very interesting subject. Suffice it to say that the agreement was to be clear and plain (सम्यक् विभाषितं), drawn up in public (अनुछन्नं), and before witnesses (साक्षिमत्), noting down the place (देश), time (काल) and the community (वर्ग), perhaps of both the parties as well as the circumstances (रूप, लक्षण) under which it was effected.[2]

It would appear from this that a contract ought to satisfy all the technicalities of law so that the contract would be accepted as valid by the court in case it was presented to it. If not, (कर्ता and श्रद्धेय) both the proposing and the accepting parties, witnesses (श्रोता) and

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[1] There were mainly three kinds of documents,—state documents (राजलेख्यं), documents of the country parts (स्थानिकृतं) and those written in one's own hand (स्वहस्तलिखितं). There were other kinds under these three heads. (*Vyavahāramayūkha* p. 15.)

[2] *Arthaśāstra*, Bk. iii, Sec. i.

mediators (कारयिताः) were all liable to the penalty of a fine.[1] Contracts entered into, late during the night are invalid, but not those in the early portion of the night.[2] Diseased women, ascetics, old men, convicts, the deformed and such like are legally unfit to make contracts.[3]

The next item of importance that came before this common-law court was that which concerned labourers. Wages were to be previously fixed and paid after the completion of the work. These should be fixed according to the circumstances of time and place. Delay to pay the due wages is punishable with a fine of five times the amount agreed upon. It is ten times the amount if the delay is wanton. The same is applicable to the employees also. If they failed to carry out the work before the appointed time, or had not done full justice to it, they were liable to a fine. As for the slaves several kinds might be distinguished—purchased, captured in war or mortgaged. They were entitled to possess private property which went to their masters only in the absence of any legal heir. One could however recover his independence on payment of an adequate compensation-price.[4] There were several healthy regulations affording protection to the slaves whether male or female, *ārya* or *mlechchha*.

A word may be said regarding the lending of money without prejudice to the progress of the kingdom.[5] The rate of interest was uniform and fixed by the state.

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[1] *Arthaśāstra*, Bk. iii, Sec. i; cf. Manu, 8. 51–52 and 154; Yāj., ii. 91.

[2] (पूर्वरात्रव्यवहारिणः) (*Ibid.*, Bk. iii, Sec. i.)

[3] *Ibid.*

[4] मूल्येन चार्यत्वं गच्छेत् । (*Ibid.*, Bk. iii. 13.)

[5] (राजन्ययोगक्षेम) Bk. iii. 11. (Cf. *Agni*, chap. ccliv, for further details on debts.)

The *Saṁhitas* fix it at 15 per cent. per annum. The ruling of Vyāsa on this point is interesting. ' In the case of a pledge the rate of interest is 1¼ per cent per month. In the case of a surety the eighth part is added to this. In the absence of either (a pledge or surety) 2 per cent. per mensem would be levied from the debtors of the sacerdotal class.[1] We can understand Kauṭalya pres-cribing different rates of interest for traders in forests, by sea, and by land, for secured and unsecured loans.

As regards deposits we have two kinds, open (निक्षेप) and sealed (उपनिधि:).[2] Bṛhaspati defines the latter ' when chattel enclosed in a cover and marked with a seal is deposited without describing its nature or quantity and without showing it, it is termed an *aupanidhika* deposit '. It is for the depository to preserve it intact so that it might not be used, damaged or diminished in value. In any of these cases the depositor could seek the aid of law for compensation.[3] Special informants were employed to find out the truth as to the honesty or otherwise of the depository. The same rules are applicable to cases relating to pledges (आधि).[4]

The *Kauṭalīya* devotes three chapters to the law regulating immoveable property; houses, fields, gardens, tanks, and others. Owners of immoveables would in the first instance offer them for sale to their kinsmen (ज्ञातय:), and then to their neighbours (*sāmanta*), and on the rejection from both their own creditors. From these Jolly and

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[1] Quoted in *Col. Digest*, i. 30; cf. Yāj., ii. 38 : Manu, 8. 140 : Vasiṣṭha, ii. 51 ; Nārada, i. 99 : Bṛhaspati, xi. 3.
[2] *Arthaśāstra*, Bk. iii, Sec. 12.
[3] *S.B.E.* vol. xii, 3 ; cf. Manu, 8. 18-24; Yāj., ii. 66; Nārada, ii. 5; *Agni*, 227. 7-8.
[4] *Arthaśāstra*, Bk. iii, Sec. 12,

Law infer that the right of pre-emption existed in ancient India though disproved by the *Mitākṣara* and other commentaries.[1]   Such a sale was to be effected by public auction and before forty elders of the neighbourhood.   If the bidding exceeds the already published price the excess is made over to the state besides a certain percentage of duty on the sale price.   It is significant to note that by formulating these rules ancient compilers of the *Dharmaśāstras* and writers of the *Arthaśāstras* endeavoured their best to avoid complicated cases of litigation which is a sad feature of our times. As regards houses, buildings, there are regulations affecting their permanence, sanitation, construction of windows, drainage, water-supply, privy, etc.   Disputes arising from them and such others as the boundary disputes were to be settled by the neighbours and village elders. Wrongful possession of estates and the enjoyment thereof were severely dealt with, these amounting to cases of theft.   Damages of any sort to irrigational works were visited with high penalty.[2]

The term *sāhasa* means the seizure of property or persons openly and violently.[3]   The punishment depended on the value of the articles taken.   The term *vākpāruṣyam* includes defamation (*apavāda*), insult (*kutsana*), and threat (*abhibhartsana*).[4]   There are different scales of penalty for all these.   *Daṇḍapāruṣya* or assault is touching, striking, or hurting wilfully or other-

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[1] Law, *Ancient Polity*, pp. 156–57.

[2] पश्चान्निविष्टमधरतटाकं नोपरितटाकस्य केदारमुदकेनाप्लावयेत् ।
उपरि निविष्टं नाधरतटाकस्य पूर्खावं वारयेत् ....।
(*Arthaśāstra*, Bk. iii, Sec. 9.)

[3] साहसमन्वयवत्प्रसभकर्म । (*Ibid.* Bk. iii. Sec. 17.)

[4] Cf. *Agni*, 227, 23–31.

wise.[1] Various restrictions were placed on gambling. Gamblers were to take licenses, pay rents, and use the dice approved of by the state-superintendent. Otherwise they were punished heavily.[2]

There are again offences connected with marriage. Some of them are one man impersonating the other who has paid the bride-price (*śulka*) for a girl, obtaining a bride for one man after undertaking to get her for another, refusing to give a girl in marriage as agreed upon, and substituting a different girl for the one whom it had been agreed to give in marriage. The scale of fine was to vary with the gravity of the offence. There are regulations as to divorce by the husband, or the wife, as the case may be, and also regulations touching the inheritance of property among the various sons of the deceased father. How and in what proportion they are to be distributed among the various sons of perhaps different mothers is an interesting chapter of Hindu law. Incidentally the rights of a married woman towards her own property and that of her husband are dealt with. Anything contrary was visited with penalty.[3]

Last but not least are co-operative undertakings by individuals or groups. Hired workmen failing in the discharge of their duty forfeit twice their previous earnings. Villagers who do not share in the common shows or amusements are deprived of their benefits. Profits and losses are distributed by the traders or the cultivators who work on the partnership system. The same is applicable to anything affecting the common

[1] Vide *Early History of Bengal*, pp. 106–7.
[2] *Arthaśāstra*, Bk. iii, Sec. 17.
[3] *Ibid*., Bk. iv, 12; cf. *Agni*, ccxxvii. 15, 17 and 40–45.

interests of the village community such as the perform-
ance of a *yajña* or sacrifice.[1]

The following cases were taken cognizance of by the
criminal law-court.[2]

1. Protection of artizans, merchants, etc.

कारुकवैदेहरक्षणं.

2. Suppression of the undesirables: गूढाजीवीनां रक्षा.

3. Detecting criminals by means of spies :

मानवप्रकाशनं.

4. Arresting the suspicious or real culprits :

शङ्कारूपकर्मीभिग्रहः.

5. Post-mortem examination : आशुमृतकपरीक्षा.

6. Discipline in the various state departments :

सर्वाधिकरणरक्षणं.

7. Punishment for mutilation.   एकाङ्गवधनिष्क्रयः.

8. Capital punishment with or without torture :

शुद्धश्चित्रश्चदण्डकल्पः.

9. Ravishment of immature girls: कन्याप्रकर्म.

10. Examination by word and action thereon :

वाक्यकर्मानुयोग.

11. Miscellaneous offences :अतिचारदण्ड:

The first six items mentioned above are police func-
tions, the ultimate control of which lay with the magis-
trates of criminal justice.   These are detecting crimes,
and arresting the suspicious, protecting the civil
population, preventive regulations against committing of
crimes.[3]   The last five items show that the concep-
tion of administration of criminal justice went hand in

[1] *Arthaśāstra*, Bk. iii, Sec. 14.   [2] *Ibid.*, whole of Bk. iv.
[3] *Ibid.*, cf. Yājñavalkya, ii. 269–71.

hand with the police jurisdiction, and the one completed the other and was completed by the other. Police officials were the instruments for bringing to book law-breakers. There was a strong police organization affording security to the civil population. Much of the police control was by means of informants who sometimes acted as *agents provocateurs*. If the person suspected were an officer of rank the police officer would approach him and address him by taking him into his confidence. He would offer the officer a sum of money as bribe for letting his friend out of the trouble he was in. If this were accepted the officer was at once reported as charged with corruption and banished out of the land. The functions attributed to the informants, such as, shadowing the suspected, find a parallel in the modern secret police organization. When notices of property stolen and house-breaking reached the office there was police search with all strenousness and the culprits were often found out. There are ample instructions for investigating cases of homicide and suicide which all go to show the high level, culture and civilization had attained during the epoch of the Mauryas.[1]

Passing on to actual criminal cases we find severe punishments meted out for thefts of royal property as well as private property. The scale of fines varied with the values of the property stolen. The same applies to forging deeds or counterfeiting seals. There is mention in the *Arthaśāstra* of the punishment of mutilation, but there is every reason to believe with Monahan[2] that this practice had fallen into disuse by the time of the composition of the famous treatise. No doubt the older codes recommended the mutilation

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[1] *Arthaśāstra*, Bk. iv, Sec. 4 & 5.
[2] *Early History of Bengal*, p. 124.

of certain limb or limbs, graduated according as the gravity of offences warranted.[1]   But the author of the *Arthaśāstra* seems to be more humane in outlook. Even in this recommendation, he does not claim any departure from the accepted codes of the land.

The chapter on ' *Śuddhacitraśca daṇḍakalpaḥ*[2] is both interesting and instructive from more than one point of view.   It shows the nature of capital punishments in practice in the fourth century B.C. in India, and the principle on which such punishments were inflicted. The criminals are divided into two classes, according to the *Kauṭalīya*—those who are cruel in their offences, and those who are not cruel.   Death penalty without torture to the latter and with torture to the former is recommended.   Even in this ruling the *Kauṭalīya* takes care to mention that it is supported by the *śāstras*.[3]   But death was not always the penalty.   Fines and compensation price were the penalty, if the person, wounded in an affray or riot, should die after a fortnight and beyond. Hurting a person with wounds and causing abortion by violence were also attended with fines.   For treasonous offences, parricide and such other capital offences, death was the penalty with torture.   The person who was guilty of poisoning is drowned if male, and was put to death tortured by bulls, if female.   There are several other offences mentioned.[4]

The other class of offences taken cognizance of by this *kaṇṭakaśodhana* court are those of illicit unions or sexual intercourse illegitimately indulged in.   Here also the

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[1] *Arthaśāstra*, Bk. iv, Sec. 10 & 11.   [2] *Ibid.*, Bk. iv. 11.

[3] एते शास्त्रेष्वनुगताः क्लेशदण्डा महात्मनां ।

अक्लिष्टानां तु पापानां धर्म्यः शुद्धवधः स्मृतः ॥ (Bk. iv, chap. 11.)

[4] *Ibid.*

punishments vary from fines to mutilation and death. Cases where intercourse is held with mature or immature girls, with or without their consent, are dealt with. Incidentally are mentioned offences connected with marriage in the same chapter which would repay perusal for those connected with movements for freedom of marriages. Adultery is one of the offences coming under this head.[1]

There is then the more important question of torture in meting out punishments. This has been discussed elsewhere.[2] The chapter in the *Kauṭalīya* entitled ' वाक्यकर्मानुयोग '[3] has been mistranslated and consequently misinterpreted. As this question is one of moment we will once again examine our position having always an eye to the recommendations given in the *Dharmaśāstras*. If we read and understand this chapter in the light of the *smṛti* texts, much of the misinterpretation will be removed. The question resolves itself thus: whether torture was used as punishment after the decision of the judges, or to elicit confession of guilt. Dr. Shama Śāstri translates the title, ' trial and torture to elicit confession ' and Monahan ' the questioning of an accused person by word and by act ' without or with torture. Monahan then remarks : ' As in ancient Europe, torture appears to have been applied to elicit a confession from an accused person whose guilt had been established by other evidence—a practice based on the view that, as the best and more conclusive evidence of guilt, a confession should be obtained, where that is possible, to clinch and confirm other

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[1] *Arthaśāstra*, Bk. iv. chap. xii–xiii ; cf. Yājñavalkya, ii. 286–97, Agni, 227. 40–5 ; 258. 68–71.

[2] Proceedings of Third Oriental Conference, pp. 628–9.

[3] *Arthaśāstra*, Bk. iv, chap. viii.

proof.'[1] This is building a theory ; but to our knowledge
there is not a single statement in the chapter under
review which we can regard as providing evidence in
favour of the application of torture for eliciting confes-
sion.   In the later portion of the chapter, Shama
Śāstri himself translates it as ' cross-examination.' The
title simply means 'examination on evidence and action
to be taken thereon '.   This shows that only avowed
culprits were subjected to torture, and not the ' suspect-
ed ' as some scholars would have us believe.

If this interpretation were to be accepted, then one
of the several arguments advanced by J. Jolly in favour
of establishing the *Arthaśāstra* as a purely secular
treatise, falls to the ground.   Dr. Jolly says that ' the
Arthaśāstra recommends judicial torture for persons
suspected of crimes, while the *Dharmaśāstra* administers
ordeals in doubtful cases '.[2]   The ordeals of fire, water,
weighing and poison that are found in the *smṛtis* have also
been noticed in some of the Vedic literature and they are
not unknown to Hieun Tsiang, the Chinese traveller.[3]
He refers   to this   practice   when he visited   India
centuries after the composition of the *Kauṭalīya*.   The
ordeals for doubtful cases in spite of the recommendation
of the codes of law are certainly questionable expedients
resorted to by the ancient Hindu judges. But we would
grant that they served the purpose well in those days
when conditions were quite different from the present,
and when theft, highway robbery, and corruption were
rife.   But even these ordeals were not used for any and
every offence.   Only to cases in which serious crimes and

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[1] *Early History of Bengal*, p. 119.

[2] *Vide* Introduction to *Arthaśāstra* edited by Jolly in the Punjab
Sanskrit Series.

[3] Beal, *Buddhist Record of the Western World* Bk. ii, p. 84 ;
Vyavahāramayūkha, pp. 28–54.

treasonous acts were involved these ordeals were applied. In other words their application was extended to transactions involving more than a thousand *paṇas*.[1]

Kauṭalya who must have known the use and value of ordeals introduces judicial enquiry and thus anticipates early the development of the modern jury system. For cases involving severe punishments such as torture, the *Kauṭalīya* furnishes us with the sound and logical method of enquiry and trial on evidence. It is prescribed, Monahan says, that ' if the defendant's answers to the questions addressed to him are corroborated by reliable witnesses he shall be acquitted ; otherwise he shall be subjected to torture.' This latter means action would be taken against him. Again ' the guilt of a suspected person should be established by the production of such evidence as the instruments used in committing the crime, accomplices and abettors, the stolen articles, and persons concerned in its sale or purchase. In the absence of such evidence the accused should be acquitted.'[2] Only those whose guilt has been proved shall be subjected to punishment. This is quite in keeping with Nārada's question to Yudhiṣṭhira: ' Do you not punish the innocent for their alleged wrongs contrary to the rule of law by means of your law-officers ? '[3]

[1] नासहस्राद्धरेत् कालं न विषं न तुलां तथा ।

नृपार्थेष्वभियोगे च बहेयुः शुचयः सदा ॥ (Yājñavaklya, ii. 101.)

Kātyāyana quoted in the *Vyavahāramayūkha*, pp. 13–14.

[2] शङ्कानिष्पन्नमुपकरणमन्त्रिसहायरूपवेर्यावृत्यकरानिष्पादयेत् । कर्म-णश्च प्रदेशद्रव्यादानांशविभागैः प्रतिसमानयेत् । एतेषां कारणानां अनभि-संधाने विप्रलपन्तमचोरं विद्यात् । (*Arthaśāstra*, Bk. iv, ch 8.)

[3] *Mbh., Sabhā,* chap. v. 108–110.

Besides judicial enquiry, the *Arthaśāstra* recommends another method by which one could get at the truth. This is through the instrument of special police officers.[1] The following one or two examples would show how this was effective in detecting and suppressing people of criminal tendencies.   If a judge were suspected of bribery and corruption, an informant would be set upon him. He would go to him as a friend of one whose case was pending final disposal, and offer him a certain amount so that the judgment would be in his favour.   If the offer was accepted he was charged guilty and punished. In the same way one who is suspected of manufacturing counterfeit coins might be approached by another the latter offering himself for apprenticeship.   While under his service, the manufacturers could be betrayed and brought to book.[2]

In the above statements which are mere translations of the *Arthaśāstra* texts, we find infalliable testimony as to the use or application of torture as punishment only after the guilt is *proved* and never to *doubtful* cases. Monahan thus speaks of both things at one and the same time.   We are not able to follow him in this respect. The texts certainly warrant our statement that action could be taken *only* in the cases where the guilt had been brought home beyond any question and on the solid rock of evidence.

' आत्तदोषं कर्मकारयेत् ' ।

Kauṭalya has certainly a deep sense of justice which does not allow him to stray beyond the legitimate sphere.   He is up in arms against the unjust and *adharmic* methods of punishment.[3]   And it does not appeal

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[1] Cf. Manu, ix. 261.   [2] *Arthaśāstra*, Bk. iv. 4 and 5.

[3] *Ibid.*, vii. 5.

to our reason that an author with such conceptions would lend himself to prescribing judicial torture to the suspected. A full and careful study of the *Artha-śāstra* shows Kauṭalya to be a constitutionalist statesman with a complete understanding of the *Dharmaśāstras* and willing to abide by them. The eighteen kinds of punishment mentioned have nothing of novelty about them. Manu has in fact ruled that the limb of the body which was responsible for the guilt must be cut off in the interest of the progress of the state.[1] In the case of Brahman culprits Kauṭalya follows the *Mānava-Dharmaśāstra* dictum, viz., banishment.[2] Thus it is seen that Kauṭalya has not broken any new ground but has consistently adopted the main principles of the Law-Codes. He nowhere sacrifices principles of *dharma* at the altar of worldly ends. To entertain such an opinion is to misread him. The *Arthaśāstra* in most respects does not fall short of the rulings of the *Dharma-śāstras*. Do not the latter deal with secular questions of state, law, and policy? What more has *Arthaśāstra* done to break away from the *Dharmaśāstras*? It explains in elaborate detail secular subjects which have been summarily dismissed with simple mention by the law books.

The different kinds of corporal punishments[3] mentioned are whipping, hanging, caning, burning finger-joints, branding, water-tube torture and several others under the general term of *vyavahārikakarma* which is again subdivided into four divisions. It would appear that fresh punishments were employed day after day for a period of time, and this was perhaps in the case of

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[1] iii. 334.

[2] viii. 124.

[3] *Arthaśāstra*, Bk. iv, Sec. 8; cf. Agni, chap. ccxxvii. 22–38, 49–54.

very serious offences like sedition.   Even in the award
of punishments great discrimination was employed.   The
standard of punishment to women-folk was only half
of what it was to the men.   Again pregnant women and
those who had not passed a month after delivery were
exempted from torturous punishments.   Others exempt-
ed were persons accused of minor offences (*mandā-
parā tha*), the young, the aged, the diseased, the intoxi-
cated, the mad, those suffering from hunger, thirst
or fatigue due to journey, those who have confessed
their guilt (*ātmakāśitam*) and the physically unfit.[1]

But the general practice seems to be that found in
the *Kauṭalīya.*   There was a searching enquiry into the
whole case and the punishment was decided on the
strength of the evidence.[2]   This is akin to the modern
practice of the jury pronouncing guilty or not guilty[3]
and the judge deciding on the nature of the punishment
on the merits of the case.[4]   Again the dramatist
Śūdraka whose date is generally accepted as the third
century A.D. explains this position in dealing with a

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[1] While the editions of Shama Śāstri and Jolly contain आत्मकाशितं, the

Śrīmūlam (Trivandrum) edition has आमकाशितं (vol. ii, p. 154.)   This is
interpreted as meaning ' dyspeptic persons '.   Granting the term *ātmakā-
śitam* (which in the context seems unlikely), if a confession of guilt were
made, it is reasonable to mete out punishment of a less severe character.
This is perhaps what made the sage Māṇḍavya accept guilt though innocent,
in order to free himself from the punishment of torture.   For there were
visible pieces of evidence by his side which would prove the guilt.   But still
the king was unjust enough to order his impalement.   Truth triumphed in
the end.   His innocence saved the sage and the king was punished for his
unjust action.   For details of the legend see chap. cxvi-vii, *Ādi Parvan*
of the *Mahābhārata.*

[2] Cf. Yājñavalkya, ii. 269–72.

  (वाक्यानुयोग)

[4] (कर्मानुयोग) For the term *Karma,* see *S. T. R.,* 8, 1, 61.

criminal case. The sessions judge who is called
adhikāraṇika speaks of the two-fold *vyavahāra* or case.[1]

Investigation of the case relates both to the verbal
assertion and its merits. The former stands in relation
to the plaintiff and respondent, while the merits of
the investigation rest with the judges or the jury. Here
' अर्थ ' is used for *karma* of Kauṭalya and अनुसार for अनुयोग.
It requires no stretch of imagination to realize that these
are synonymous terms. Thus from the third century
B.C. to A.D. 300 tradition speaks of a uniform practice
in continuance. The *Śukranītisara* also recommends
trial for getting at the truth besides the use of mystical
or occult practices. The sentence is to be delivered
after weighing the evidence.[2]

Sec. iv. MR. EDWARDES VIEWS EXAMINED

In the course of his criticism of a paper of mine[3]
the late Mr. S. M. Edwardes wrote under date March 17,

[1] वाक्यानुसारेण, अर्थानुसारेण च । यस्तावत् वाक्यानुसारेण, स खलु
अर्थप्रत्यर्थिभ्य: । यश्चार्थानुसारेण स चाधिकर्णिक बुद्धिनैष्पाद्य: ।
(*Mrchchakaṭi*, Act ix.)

[2] साक्षिभिर्लिखितैर्भोगै शुल्कैर्भूतैश्च मानुषान् ।
स्वानुष्पादितसंप्राप्तव्यवहारान् विचिंत्य च ।
दिव्यसंसाधनाद्वापि केषुकिं साधनं परम् ।
युक्तिप्रत्यक्षानुमानोपमानैः लोकशास्त्रत: ॥
बहुसन्मतसंसिद्धान् विनिश्चित्य समास्थित: ।
सम्यक: प्राड्विवाकस्तु नृपं संबोधयेत् सदा ॥ (ii. 97–99.)

[3] ' Is *Arthaśāstra* Secular? ' Proceedings of the Third Oriental
Conference.

1926: ' The arguments on page 626 regarding the punishment of evil-doers do not strike me as very convincing. I think that we of the twentieth century with our views about the liberty of the subjects and the right of every man to receive justice by open trial are apt to forget that these ideas have gradually been evolved in the course of many centuries and we are in danger of trying to ascribe anachronistically somewhat similar ideas to the people of vanished epochs. I cannot bring myself to believe that justice under the Mughals, for example, was other than capricious and liable to be marred by corruption, or that the savage punishments in vogue always fitted the crime. And if that is true of the Mughal age, surely we cannot expect a higher standard under a despotism of much earlier times like that of the Mauryas.'

' The same doubts occur in connection with the question of torture discussed on page 628. Suspects were tortured both in Europe and India at a much later date, many centuries after the date of Kauṭalya, and I cannot believe that there was, as you suggest, any process or practice which even remotely afforded to the criminal of the Mauryan times the protection afforded by the jury system to a criminal of to-day.' Such views are by no means peculiar to the late Mr. Edwardes and as such deserve examination.

In more than one place in this thesis it has been remarked that it is always hazardous to judge things ancient Indian by modern standards. Edwardes is seen to push the theory of evolution too far. In human affairs progress is possible as well as retrogression, and Kauṭalya has to be judged by what he has laid down, understood in accordance with his age and not with our notions of evolution or analogies from

Mughal India.   The administration of justice under the Mughals could by no means have been the product of evolution from Mauryan justice.   Our examination shall be strictly on the basis of the *Kauṭalīya* texts and the prevalent notions of justice in Hindu India derivable from the *Dharmaśāstras* and *Arthaśāstras* checked now and again by glimpses which we get of practical administration in ancient India.

Again there have been several arts and sciences extant in Hindu India which have become extinct in the Muhammadan and Mughal periods of Indian History. On this account could we deny the existence of these arts and sciences once in a flourishing state? If the Mughal monarchs indulged in savage punishments, and justice was capricious, it was because they came from a land where the state of culture and civilization demanded it, and they did not make enough allowance for the altered circumstances.   They were invaders and hence foreign to the Hindu ideals and practice of government and law.   In other words the tradition behind them was not Hindu in character or spirit, but rather antagonistic to it.

The next point of Edwardes is that suspects were tortured, at a much later date both in Europe and in India, and hence the criminal of the Mauryan epoch could not have had the benefit of the protection afforded by the jury system of to-day.   Here again the practice of torturing the suspects in much later times is no argument that in much earlier times there could not have been open trial.   According to Monahan torturing the suspected is still in practice.   He says: ' To this day as is well-known, Indian Police Officers, in investigating cases are prone to attach undue importance to the object of procuring a confession and with this object sometimes

resort to questionable expedients.'[1] We need not be told of course what these expedients are. In the face of this fact could we say there is no institution of trial by jury in India to-day? The fact is that so long as human nature is what it is, such expedients would always exist whether the law allows it or no. But these could not nullify the recognized practice of open trial and a searching enquiry of the case.

That the jury system was a *de facto* institution even in centuries before the Christian era is proveable. Jayaswal writes: 'They (the judges) made up the Sabhā and were, to quote a modern word, the jury of the Court.'[2] Pramatha Nath Banerjee[3] also accepts the prevalence of the jury system. But to him the point of its actual working is not clear. He quotes the text of *Nārada*, *Śukranīti* and other *smṛtis*[4] which go to prove that besides the members of the assembly, other persons present in court and acquainted with the law, not excluding the members of the trading community, were asked to offer their opinions on the matter. The obscure point becomes clear if we were to simply ponder over the statements given. It is reasonable to conjecture from this that influential and qualified persons often formed the jury of the court, and these were chosen then and there. From this it would appear that the jury was not a permanent institution while the judges held permanent offices.

It has been already pointed out that the *vākyānu-yoga* (वाक्यानुयोग) is the jury pronouncing on guilt or innocence, and the *karmānuyoga* (कर्मानुयोग) is the judgment

[1] *Early History of Bengal*, p. 119.   [2] *Hindu Polity*, part ii, p. 154.
[3] *Public Administration*, p. 143.
[4] *Legal Procedure*, iii. 2 ; Śukra, iv. 5. 27.

of the chief justice.   That this was the current prac-
tice Prof. Banerjee agrees.   He writes: ' The three
or five members of the judicial assembly acted as
jurors as well as judges but the final decision rested
with the chief judge.'[1]   There is every reason then to
suppose that Kautalya certainly advocates open trial and
is for acquittal of the innocents.   The following case in
the *Mahābhārata* may be read with interest in this con-
nection.[2]   When all the Pāṇḍavas including Draupadī
lost their independence by gambling and became slaves
of Duryodhana, Draupadī appeals to the open court as to
the validity of Yudhiṣṭhira's action in having wagered
her as the object of his gamble after he himself became a
dāsa.   Bhīṣma says that he could not understand the
subtleties of *dharma* and answered that Yudhiṣṭhira was
their best judge.[3]   Bhīṣma, Droṇa, Vidura and several
others acted, as it were, as jurors, but the majority inclined
in favour of Draupadī who pleaded most eloquently,
stressing her points on the merits of her case.   The
final decision lay of course with the king.   He ruled
that Draupadī's point was in order and released all the
Pāṇḍavas from slavery.   Here Vidura entreats every
fellow-member in the court to speak out *dharma* or law,
and *satya* or truth.   If a jury having known all the legal
points involved would speak with prejudice, or keep
silence, it amounted to his having uttered a falsehood
and hence his action was not moral.[4]   It is Bṛhaspati

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[1] *Public Administration*, p. 143,   [2] *Sabhā Parvan*, chap. 89 ff.

[3] नधर्मसौक्ष्म्यात्सुभगे विवेक्तुं शक्तोमि ते प्रश्नमिमं यथावत्

(*Ibid.*, chap. 89. 59.)

[4] यो हि प्रश्नं न विब्रूयाद्धर्मदर्शिसिभां गतः ।

अनृते या फलवाप्तिः तस्याः सोऽर्धं समश्नुते ।

who prescribes that it was the function of the king to decide whether the case before him was true or not.[1]

We have again evidence of an open trial in the court by the judge and jurors and that in the absence of the king. The subject of the case was the secret murder of a woman in a garden and robbing her of all her jewels in the *Mrichchakatika*.[2] This is in conformity with the ruling of Yājñavalkya that secret murders should be enquired on evidence.[3] Saṁsthānaka, brother-in-law of Pālaka, the ruling chieftain of Ujjain, bore ill-will against the munificent Brahman Chārudatta beloved by Vasantasenā, a young courtesan of the city. One evening when the latter was returning home alone as usual, Saṁsthānaka pursued her to the garden, stripped her of all her jewels and even strangled her. As this was known to his servant, Saṁsthānaka had him enchained. The next morning he appeared before the hall of justice and preferred a plaint against Chārudatta accusing him of the murder and robbery of Vasantasenā. The *adhi-kāraṇika* (judge), the *śreṣṭin* (provost), the *kāyasta* (the recorder or scribe) formed the jury of the court. In the course of the trial they sent for the mother of the courtesan lady as well as Chārudatta by summons. With

यः पूर्वविवतथं ब्रूयाद्धर्मंदशीं सभांगतः ।
अनृतस्य फलं कृत्स्नं स प्राप्नोतीति निश्चयः ॥

<div align="right">(<i>Sabhā Parvan</i>, chap. 90. 65–66.)</div>

[1] Bṛhaspati, i. 28–29.   [2] Acts ix. and x.

[3] अविज्ञातहतस्याशु कलहं सुतबान्धवाः ।
प्रष्टव्या योषितश्चास्य परंपुंश्चरिताः पृथक् ॥

स्त्रीद्रव्यवृत्तिकामो वा केन वायं गतःसह ।
मूल्यदेशसमासन्नं पृच्छेद्वापि जनं शनैः ॥ (Yāj., ii. 283–284.)

great fear both of them entered the court and were exam-
ined and cross-examined. The evidence of both did
not betoken guilt on their part. But the entry of
Maitreya, the friend of Chārudatta, with a casket of jewels
belonging to Vasantasenā and the careless dropping of
the same in the hall were eloquent proof of the guilt, and
hence Chārudatta was declared a culprit though no
confession of crime was elicited from him. He was
placed under the charge of the king's servants who took
the verdict and the recommendation of the jury to the
king for his final decision and judgment. Then
the jury addressed Chārudatta thus : निर्णये वयं प्रमाणम् ।
शेषे तु राजा ॥ Their recommendation was that ' this is the
Brahman charged with the murder of a woman and theft
of her jewels. According to Manu there is no punish-
ment of death for a Brahman but only banishment and
that without prejudice to his property.'[1]

This recommendation of the jury was set at nought by
the cruel king who without further consideration ordered
his impalement, so that there could be no such atrocity in
future. This cruel and unjust order of the king born
of his pride was resented by one and all including the
womenfolk.[2] The innocent Chārudatta was saved by
Vasantasenā herself, who, escaping from the garden,
appeared on the scene and spoke of Saṁsthānaka as the
real criminal. The mob became infuriated, had the king
killed in the public hall of sacrifice, and asked the exe-
cutioners to do away with the cruel culprit. But he fell
on his knees before Chārudatta for mercy and for life,
which were granted magnanimously.

[1] Cf. Bṛhaspati, chap. xxvii. 11 : *Śānti Parvan*, lv. 22–31.

[2] According to the sage Nārada defective justice is rendered through
three causes ; greed of wealth, sheer ignorance, and pride. Here pride
operated (*Sabhā.*, chap. v. 95.).

Here there are two or three chief points which we must not fail to take note of. The king was an autocrat guided by vicious councillors who had no regard for established law and usage. Yājñavalkya rules that the king should mete out punishment according to the nature of the crime, strength of the case, place, time, and so on.[1] Secondly this autocracy paid a heavy price by the whole ruling family being cut off from the reigning line. Thirdly in spite of tyranny there was trial to elicit the truth and there was no application of torture. Fourthly executioners themselves had a sense of justice. One of them actually delayed the time of the execution which alone saved the life of the innocent Chārudatta. For one of the executioners stated it as the advice of his late father to make reasonable delay and give the culprit a lucky chance of escape. For some munificent gentleman might come forward to effect his liberty by paying a compensation price, which is the *vārya* or *vanadeya* of the Vedic literature. Or the king may suddenly beget a son and consequently there would be a reversion of the original order. Or again the royal elephant may suddenly turn frantic and in the panic he could escape with life ; or there may be a change of ruling dynasty and royal clemency would give him freedom.[2] What we have to gather from this is that even

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[1] ज्ञात्वापराधं देशकालं बलमथापि वा ।

वयः कर्मंच वित्तञ्च दण्डं दण्ड्येषु पातयेत् ॥ (Yāj., i. 368.)

[2] कदापि कोऽपि साधुरर्थं दत्वा वध्यं मोचयति । कदापि राज्ञः पुत्रो भवति, तेन वृद्धिमहोत्सवेन सर्ववध्यानां मोक्षो भवति । कदापि हस्ती बन्धं खण्डयति, तेन संभ्रमेण वध्यो मुक्तो भवति । कदापि राजपरिवर्तो भवति, तेन सर्ववध्यानां मोक्षो भवति । (P. 243, Act. x.)

in autocratic states the administration of justice had developed itself on such healthy lines that open trial by the jury was the consequence. But it might be that partiality was exhibited now and then. And in this particular case Chārudatta expresses his dissatisfaction with the process of investigation and pleads for the test by any of the ordeals, water, fire, poison, or balance.[1] To these Yājñavalkya adds *koṣa*. This indicates beyond doubt that the ordeals died hard in the Hindu administration, and continued to exist side by side with the process of trial by jury which took its place by slow, but sure degrees.[2]

The *Agni Purāṇa* lays down that these ordeals are only for high treason or causes involving big sums above 1,000 *paṇas*. Otherwise oaths were enough to establish one's innocence.[3] This is in line with Yājñavalkya's ruling. The practical way of testing by each of these ordeals is explained in the subsequent passages.[4] And this trial by jury seems to have been limited to criminal causes only. That torture was not the common process of eliciting a confession even before Kauṭalya is evident from the *Dharmasūtra* of Āpastamba.[5] He definitely

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[1] P. 226, Act ix, St. 43.

[2] There is also mention of a trial in Kālidāsa's *Śākuntala* presided over by Piśuna, evidently the chief judge.

तुलाग्न्यापो विषं कोषो दिव्यानीहा विशुद्धये ।
महाभियोगेष्वेतानि शीर्षकस्थेऽभियोक्तरि ॥ (Yāj., ii. 97.)

[3] Chap. 255. 28–31; cf. Yāj., ii. 100–15 and Manu, viii. 114–115.

[4] *Ibid.*, 32–48; cf. *S. T. R.*, 8. 1. 114–34.

[5]

इतरेषां वर्णीनामाप्राणविप्रयोगात्समवेक्ष्य तेषां कर्माणि राजा दण्डं प्रणयेत् ॥ १ ॥

न च संदेहे दण्डं कुर्यात् ॥ २ ॥

सुविचितं विचिया देवप्रश्नेभ्यो राजा दण्डाय प्रतिपद्येत ॥ ३ ॥

एवं वृत्तो राजोभौ लोकावभिजयति ॥ ४ ॥ (ii. 5–11, 1–4.)

rules that the king shall not punish the offenders on mere suspicion. In doubtful cases he should employ ordeals, inference and the like means. And the very fact that a comparitively later work like the *Rāja-tarangiṇi* speaks of the public trial of causes shows how the jury system developed itself in ancient India, without any break whatsoever.[1] This is further corroborated by inscriptional evidence. The rock edict inscriptions of Aśoka at Dhauli and Jaugada in Kalinga warns the officials against inflicting arbitrary imprisonment or torture.[2]

Sec. v. OTHER COURTS

Yet another feature of the ancient judiciary was the organization of various courts with different powers of jurisdiction. There was also a supreme court to which appeals could be made from the lower courts.[3]   In the last chapter we saw four kinds of courts mentioned in the *Dharmaśāstra* literature.   According to Bṛhaspati the courts in order of importance are the meeting of the kindred (कुल), corporation of the merchants (श्रेणि), assembly of the neighbourhood   (गण), and   the   jury   of the   court (नृपोधिकारिन्).   Appeal lay from the lower to the higher.[4] But Hārīta quoted by Chandeśvara divides the court in four divisions, but quite different from Bṛhaspati.[5]   The *sabhā* is a popular one and resembles the sacrificial assembly.   The judges or the jury were seven, five or three according to Bṛhaspati.   According to Manu that

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[1] *Rājataraṅgiṇi*, description of the trial of a sorcerer accused of murder (Canto iv. 92–105). See also Śukra, IV. v. 12–13.

[2] *Ind. Ant.*, vol. xix (1890), pp. 83–96.

[3] Bṛhaspati, i. 30 ; *Rājataraṅgiṇi*, Cant iii. 60.

[4] i. 29 ; cf. Nārada, i. 7 ; Yāj., ii. 31–32.

[5] *R. N. R.*, chap. v, *supra* p. 160.

sabhā where three learned Brahmans who are jurors sit together with the officer appointed by the king resembles that of Brahma the Creator.[1]   For not delaying justice Bṛhaspati with his keenness of vision speaks of separate courts for foresters, soldiers and the out-door traders.[2] The *Arthasāstra* mentions a different order of courts. This falsifies the assumption of Dr. Otto Stein that Kauṭalya does not invest the king with judicial powers of appeal.[3]   True there was a separate establishment of Judges but it must be remembered that these transacted the business in his name and the sentences passed by them were his sentences.   On account of the empirical notions which swayed the mind of Kauṭalya,[4]   the king was saddled with heavy responsibilities which, as was already said, necessitated a separate establishment. This form of the judiciary was a *de facto* institution even centuries prior to the *Kauṭaylīa*.   It is laid down again that petitioners could present their petitions, and it is the duty of the king to render justice to them without delay. This indicates that the king still had the power of appeal. Thus there was the king's supreme court of justice besides courts established on the outskirts of the state, in the capital towns of the several administrative districts: *jānapada sandhi, sangrahana, dronamukha, sthāniya*.[5] Each of these courts was constituted by three ministers of law and three directors.   Besides these the *Arthasāstra*

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[1] यस्मिन् देशे निषीदन्ति विप्राः वेदविदस्त्रयः ।

राज्ञथाधिकृतो विद्वान् ब्रह्मणस्तां सभां विदुः ॥ 8, 11.

[2] i. 25.   [3] Megasthenes und Kauṭalya, pp. 79-80.

[4] cf. *S.T.R.*, viii. 1, 20.

[5] धर्मस्थास्त्रायस्त्रयोऽमात्याः जनपदसन्धिसङ्ग्रह-

द्रोणमुखस्थानीयेषु व्यावहारिकानर्थान् कुर्युः ॥

(*Arthasāstra*, Bk. iii, Sec. 1.)

recognizes local courts of the village where the *grāma-vrddha* decided the local cases.[1]   They had the power of deporting out of the village a thief or an adulterer whose case had been proved.   Here again is another proof of the fact that Kauṭalya's conception of administration of justice shows that he is dealing with an empire and not a small kingdom as is believed by some scholars.   The composition of the judicial assembly according to the *Vasiṣṭha Saṃhita*, is not less than ten—four men versed in four Vedas respectively, one versed in *mīmāṃsa*, one in the *aṅgas*, one in the *smṛtis*, three leading men of the first three *āśramas*.   Baudhāyana also speaks of an assembly of ten members.   He again speaks of five, three and one member according to the circumstances of the case.[2]   From these the inference is easy to draw that there was always the judge appointed by the state.   He was assisted by a number of assessors the number of which was by no means a fixed one but varied according to the nature and circumstances of the case.

Coming to the actual qualifications of these assessors we find interesting material in the *Dharmaśāstras*.   They must be *dharmic*, well tested by the king, and capable of drawing the car of *vyavahāra*.[3]   Again they must be versed in the precepts of the *smṛtis*, belonging to noble family, truthful, impartial towards friend and foe.[4]   To these Kātyāyana adds, ungreedy, well-to-do, and so on. They were generally of the Brahman community.   If the qualified Brahman was not available, members of the Kṣatriya and Vaiśya castes could be selected for these offices. But the fourth caste Śūdras are not recommended either by Kātyāyana, Vyāsa or Bṛhaspati.   As he was not allowed to read the *śruti* or *smṛti* and as a knowledge

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[1] Bk. iii, Sec. 9.

[2] i. 1. 1.

[3] Cf. *S.T.R.*, viii. i. 18 ff.

[4] Nārada, iii. 4–5.

of these was essential, it is obvious why that community was excluded from the dispensing of justice. It was the bounden duty of the judges to see that justice was rendered properly by the king. If his punishments are not in accordance with the law or *dharma*, it is for the judges to correct him and set him in the right direction. If they do not correct him the sin goes to them.[1] It would thus appear that the standard set up for the dispensers of justice was something high and something efficient.

Sec. vi. LEGAL PROCEDURE

The term ' *vyavahāra* ' connotes a judicial procedure. Bhīṣma enlightens Yudhiṣṭhira as to what *vyavahāra* is.[2] Bhaṭṭa Nīlakaṇṭha explains this term as follows in the extant treatise *Vyavahāra mayūkha*.[3] It was already stated that according to the *Arthaśāstra* the trial and the enquiry of the case depended on *dharma* or law, *vyavahāra* or evidence, *chāritram* or usage, and *rājaśāsanam* or statutes.[4] But if a conflict will arise between *dharma* and *vyavahāra*, or between usage and statutes, Kauṭalya rules that the former is more authoritative and hence should be followed. If again there is a conflict between usage and evidence there again

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[1] Kātyāyana in *R.N.R.*, pp. 24, 25. [2] Cf. *Śānti Parvan*, cxxi. 9-11.

[3] त्रिप्रतिपद्यमाननरांतरगताज्ञाता धर्मज्ञापनानुकूलो व्यापारो व्यवहार: ।
(Cf. Manu viii. 163-7.)

[4] संस्थाया धर्मशास्त्रेण शास्त्रं वा व्यावहारिकं ।

यस्मिन्नर्थे विरुध्येत धर्मेणार्थं विनिश्चयेत् ।

शास्त्रं विप्रतिपद्येत धर्मन्यायेन केनचित् ।

न्यायस्तत्र प्रमाणं स्यात्तत्र पादोहि नश्यति ॥ (Bk. i, Sec. 3.)

dharma prevails.   Between the statute and equity (न्याय) it is the latter that counts.[1]

Dr. Jolly in his 'Study on the *Arthaśāstra* and *Dharmaśāstras*[2]' shows concordance between the schools of *dharma* and *artha*.   According to Yājñyavalkya[3] if the *smṛtis* are in conflict, equity is to be regarded as more authoritative.[4]   Even then the *Dharmaśāstra* is superior to the *Arthaśāstra*.   The commentary of *Mitākṣara*, writes Dr. Nag, 'attempts to weaken the opposition in stating that the above stanza does not refer to all the conflict between the legal code and the manuals of the *Arthaśāstra* as those of Uśanas, but that it has an allusion to the conflict between the *Dharmaśāstras* and its supplementary chapter on the *Rājanīti*, with the help of which one must interpret the *Arthaśāstra*.[5]   Prof. Rangaswami Aiyangar remarks rightly : 'The question of such reconciliation was an important topic of *mīmāṁsa* interpretation of Hindu law.'[6]   There is also reference to sacred equity in the Pillar inscription of Aśoka.[7]   The *Kauṭalīya* mentions[8] four bases of the law in the order of increasing importance : *dharma* or law, *vyavahāra* or evidence, *saṁstha* or *chāritram* or precedent, and *rājaśāsana* or royal writs. By rendering justice agreeably to these as well as to *nyāya* or equity in an impartial spirit (*saman*) the king attains heaven.   He agrees with Yājñyavalkya that in conflicts between *dharma* and *saṁstha* or between *dharma* and

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[1] *Arthaśāstra*, Bk. i, Sec. 3.   [2] In *Z.D.M.G.*, 1913, pp. 49–96.

[3] स्मृत्योर्विरोधन्यायस्तु बलवान्व्यवहारतः ।

अर्थशास्त्रात्तु बलवद्धर्मशास्त्रमिति स्थितिः ॥ (Yāj., ii. 21.)

[4] Cf. *Nārada Smṛti*, i. 39 ; *S. T. R.*, viii. 1, 38 ; *Agni*, 253, 50.

[5] *Trans. Jour. Ind. His.*, p. 259, vol. v, part ii.

[6] *Aspects of Polity*, p. 127.   [7] iv ; cf. *S. T. R.*, viii. 1, 37.

[8] *Supra*, p. 255.

vyvahāra the former always prevails. But if a conflict arises between *dharma* and *dharmanyāya* or equity, the decision may rest with the latter, it being superior to the scholastic logic of the *smrtis*.[1] Added to these is the obligation of the state to accept as valid every local usage, every custom of a caste, tribe, clan, and family, every bye-law or usage of corporations, guilds and organized non-political communities, or fraternities as was not inconsistent with the state's own laws or interests.[2] This ruling of the *Arthaśāstra* is also admitted by the *Dharmaśāstras*, the edicts of Aśoka, and the later digests and commentaries and compendia of Hindu law as well as writers of the extant treatises like the *Śukranītisāra*.[3]

In the procedure followed, when a certain case is filed each of the contending parties was expected to present an affidavit before the registration officer containing particulars of the year and the place, the nature of the offence,[4] etc. Other regulations were that excepting in criminal cases the defendant could not file a counterpetition against the plaintiff. Again two suits touching one and the same offence were disallowed.[5] The *Agni Purāṇa* lays down thus : ' a court should neither entertain nor hear a cross-case, without first deciding the original one, nor should it take up a case or a suit dismissed or rejected by another tribunal of competent authority.'[6]

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[1] *Arthaśāstra*, Bk. iii, Sec. 1.

से से तु वर्णे देशे काले च खकरणकृताः सम्पूर्णचाराः शुद्धदेशा
इष्टपलस्त्रगण प्रमाणणाः सर्वव्यवहाराः सिध्येयुः ।

(*Arthaśāstra*, Bk. iii, Sec. 1 quoted in *Ancient Indian Polity*, p. 54.)

[3] Cp. Gautama, xi. 20 : Āpastamba, ii. 15. 1 ; Vasiṣṭha, i. 17 ; Bauda. i, 2, 12 ; Manu, ii. 6, 12, 18 ; vii. 203, viii. 41, 46 ; Yāj., i. 7 ; ii. 5.

[4] *S. T. R.*, viii, 1, 23–25.   [5] Agni., ccliii. 38·

[6] *Ibid.*, M. N. Dutt. Trans.

The following is the categorical list of court offences termed (परोक्तदोष) which, if either committed by the defendant's party or the plaintiff's party, were punishable by the court.[1]

1. Not answering straight to the point involved,

2. Inconsistency in statements,

3. Pressing for advice from quarters unworthy of consultation,

4. Not continuously answering the question at issue,

5. Further irrelevant points,

6. Not accepting the statements offered by his own witnesses,

7. Conversing secretly with the latter without permission,

8. Meeting the arguments of defence the self-same day,

9. If either party failed to make his defence or to prove his case respectively within the appointed time,

10. Unwarranted statements.

The fines for these offences were Pañchabandha and Daśabandha the fifth and tenth parts of the sums sued for.[2]

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[1] *Arthaśāstra*, Bk. iii, Sec. 1.

[2] *Ibid.*, Sec. 11 ; cf. Yāj., ii. 171 ; Vijñaneśvara's commentary on *Pañchabandha* and *Daśabandha* :

In the *Arthaśāstra* occurs, परस्पराभियोगे चैषामुत्तमाः परोक्ताः दशबन्धं दद्युरवराः पञ्चबन्धम् । (Bk. iii, Sec. 11.) Dr. Shama Śāstri translates : ' Creditors guilty of *parokta* shall pay a fine of ten times the amount : but if incapable to pay so much, they shall at least pay five times the amount sued for.' On this he remarks in the footnote (p. 216 of his Translation) thus : ' Since the *pañchabandha* must be less than *daśabandha*, the interpretation of *pañchabandha* as *pañchamāṁśa*, one-fifth by Vijñaneśvara in his commentary on verse 171, ii (Yājñavalkya), cannot be accepted.' How Vijñaneśvara is right and Shama Śāstri faulty is seen from the

It would be interesting to examine who were eligible and who were ineligible to depose as witnesses, and how they played their part in the court.[1]   One curious feature of the administration of justice was to get at the facts of the case by means of official secret agents appointed for the purpose.   This coupled with the evidence of the witnesses would go to decide a case.   A case cannot be dismissed on the plea of the absence of witnesses.[2] Generally three honest and truthful witnesses were asked to depose.   There may be certain cases like the one relating to debts where two witnesses were enough ; but never was the deposition of one witness taken with approval.   The following is the categorical list of those who were ineligible for deposition :[3] brother-in-law, companion, prisoner, creditor or debtor, enemy, dependant,

Śrimūlam commentary (p. 68, vol. ii). एषां स्वामिभृत्यानां परस्पराभियोगे उत्तमाः परोक्ताः स्वामिऋविगादयः परजितिताश्चेत्, दशबन्धं परजितिधनदशभागं दद्युः, अवरेभ्यः । अवराः भृत्यादयः, परोक्ताः, पञ्चबन्धं परजितिधनपंचभागं दद्युः, उत्तमेभ्यः । This interpretation completely fits

in with that of Vijñaneśvara पञ्चबन्धं नष्टद्रव्यस्य पञ्चाशो । p. 243 (Nirnayasāgar edition of *Yajñavalkyasmṛti*, 1926.)   In the light of these two authoritative interpretations the translation of the *Arthaśāstra* passage should be : 'Creditors of high social status guilty of *parokta* shall pay a fine, equal to one-tenth of the amount sued for ; creditors of lower status one-fifth of the amount.'

[1] Cf. Agni., ccliii. 41-48.

[2] *Śānti Parvan*, lxxxv. 19-20 ; cf. Yāj., ii. 69 ; Manu, viii. 59-60 ; *S.T.R.*, viii. 1, 87-88.

[3] स्त्रीबालवृद्धकितवमत्तोन्मत्ताभिशस्तकाः ।

रङ्गावतारिपाषण्डिकूटकृद्विकलेन्द्रियाः ॥

पतितानर्थसम्बन्धि सहायरिपुतस्कराः ।

साहसो दृष्टदोषश्च निर्धूताद्यास्त्वसाक्षिणः ।   (Yāj., ii. 70-1.)

convict, the king, a *śrotriya*, village servant, lepers, out-castes, *chandāla*, the self-conceited (अर्ल्ञादि), persons in low situations, women, government officials, ascetics, those versed in palmistry, merchants, robbers, cheats, swindler (शलाकधूतं:), physicians, enemy or friend and ministrel.[1] But there was no hard and fast rule. Sometimes some of these appeared as witnesses. This depended more on the nature of the case in question. Members of all castes and communities were eligible to depose as witnesses.[2] The first preliminary was to swear as to their honesty. If all the witnesses joined together and did not give out the truth they were punished.[3] The decision depended more upon the witness and especially of the elders. It was the custom to get witnesses by summons (स्वामिवाक्य). For instance the jury sent for the mother of the lady courtesan Vasantasena to adduce evidence as to her daughter in the *Mṛchchakaṭika*.[4] Travelling and halting allowances were usually given to these witnesses and these were generally borne by the party defeated.[5]

The law-giver Manu is communal also in the matter of witnesses. According to him persons entering

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[1] सामुद्रिकं वणिजं चोरपूर्वं शलाकधूतं च चिकित्सकं च ।
अरिं च मिलं च कुशोलवं च नैतान्साक्ष्ये लधिकुर्वीत सप्त ॥

(*Udyoga Parvan, Prajāgara Parvan*, xxxv. 55.)

Cf. Yāj., ii. 72–74. Agni, the whole of chapter cclv contains details in regard to witnesses.

[2] Cf. Manu, viii. 62 ; *S.T.K.*, viii. 1, 89–90. For further details see *Vyavahāra Mayūkha*, pp. 21 ff.

[3] *S.T.K.*, viii. 1, 96; *Mahābhārata, Ādi Parvan*, vii. 3.

[4] Act ix.

[5] पुरषमृतिरष्टांश: । पथिभक्तमर्थविशेषत: । तदुभयं नियम्यो दद्यात ।

(*Arthaśāstra*, Bk. iii, Sec. 1.)

into contracts should take as witnesses persons of the same sex or group. That is women for women's contracts, Brahmans for Brahmans, Sūdras for Sūdras and so on.[1]   It is easy to understand why the law-giver ordained this regulation. Members of the same community could better appreciate the motives of the members entering on contractual or other agreements. Witnesses were to depose on oath.[2]   They should speak nothing but truth. But Gautama shows himself the most practical of the law-givers by saying that a witness can utter even a falsehood to save a good soul, and thereby does not incur the sin of speaking an untruth.[3] This is absolutely forbidden in the case of a wicked person. That evidence is quite imperative is shown by Yājñavalkya who remarks wisely, ' Even a fact unsupported by evidence gets vitiated in a legal procedure.'[4]   Among evidences are mentioned documents, possession, and witnesses.[5]   If these are not available recourse may then be had to ordeals for sifting the truth.[6]

The punishments for offences were fines, reprimand, torture, imprisonment, sentence of death and

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[1]   स्त्रीणां साक्ष्यंस्त्रिय: कुर्य्युद्द्विजानां सदृशा द्विजा:

शूद्राश्चमन्त: शूद्राणामन्त्यानामन्त्ययोनय: ॥ (Manu, viii. 68.)

[2]   Gautama, xiii.

[3]   *Ibid., Mbh., Ādi Parvan,* lxxvi. Lying allowed in five cases : for fun, to please women, for marriage purposes, when life is in danger, and when all property is in danger.

[4]   भूतमप्यनुपन्यस्तं होयते व्यवहारत: ।   (Yāj., ii. 19.)

[5]   *S.T.R.,* viii, 1, 38 ff.

[6]   प्रमाणं लिखितं भुक्ति: साक्षिणश्चेति कीर्तितम् ।

एषां अन्यतमाभावे दिव्यान्यतममुच्यते ॥ (Yāj., ii. 22.)

banishment. The last was invariably for members of the Brahmana community.[1]   Reprimand was for minor crimes. The imposition of fines was by no means at fixed rates. While Yājñavalkya[2] recommends 80,000, 40,000 and 20,000 *paṇas* for *uttama*, *madhyama* and *adhama sāhasas*, Kauṭalya and Manu recommend 1,000, 500 and 250 respectively.[3]

Illegal encroachments on land, wilful removal of movables, adultery and other similar crimes were awarded the punishment of fines, and imprisonment. Thefts, sedition, and treason, murders, setting fire to buildings, intermixture of castes, led to the punishment of torture.[4]

It would thus appear that discrimination was used in rendering justice. The primitive Vedic custom of

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[1] Cf. Manu, viii. 379-81.

साशीतिः पणसाहस्रो दण्ड उत्तम साहसः ।

तदर्धं मध्यमः प्रोक्तस्तदर्धमधमः स्मृतः ॥ (Yāj., i. 366)

पणानां द्वे शते सार्द्धे प्रथमः साहसः स्मृतः ।

मध्यमः पंच विज्ञेयः सहस्रन्त्वेव चोत्तमः । (Manu, viii. 138.)

The word *paṇa* occurs invariably both in the legal and other technical literature of the ancient Hindus. What was its actual worth is given by Yājñavalkya, i. 365. This verse states that copper weighing a *karṣa* is a *paṇa*. And a *karṣa* is a weight of gold or silver equal to sixteen *māṣās*.

[3] Manu, viii, 138 ; cf. Viṣṇu, iv. 14.

[4] *Śānti Parvan*, lxxxv. 22-23. *Vide* Beal, *Buddhist Records of Western World*, Bk. ii, pp. 83-4.

That such punishments lost their severity from the age of Harṣa is evident. 'Treason was punished by imprisonment for life and not by any corporal punishment. For offences against the social morality and for disloyal and unfilial conduct, the punishment was either mutilation of limbs or deportation of the offender to another country or into the wilderness. Other offences can be atoned for by a money payment. Trial by ordeal was also in force.' Watters, i. 171-2 ; *Rulers of India, Harsha* by Dr. R. Mookerjee, p. 100.

inflicting heavy fines and accepting compensation price for murder had no more force.   With the coming of an empire, complicated cases of law became more common.   As a consequence organized punishments came into vogue.   Nārada enjoins upon Yudhiṣṭhira that no distinction should be made between the rich and the poor in adjudicating cases.[1]   Impartial and just punishments alone must be meted out.   But a question may be asked how a poor man could pay a heavy fine if it were imposed on him.   That discrimination was further made is evident from the *Mahābhārata*.   It lays down that the rich are to be heavily fined, the poor put in chains and the wicked to be subjected to blows.   This is the easiest method of correcting wrong-doers.[2]

Administration of justice was then equitable.   Manu uses the power of discrimination too far.   If it is the first crime of the offender he could be let off with a warning to behave properly in future.   If the same offender commits a second criminal act, he must be censured and let go.   Fines will be imposed for a third offence. Even then if he continues to commit offence in any manner, nothing but corporal punishment is suitable.[3]

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[1] *Sabhā Parvan*, v. 92.

[2] अपराधानुरूपं च दण्डं पापेषु धारयेत् ।
   वियोजयेद्धनैर्ऋद्धान धनानथ बन्धनैः ॥

   विनयेच्चापि दुर्वृत्तान्प्रहारैरपि पार्थिवः ।
   सान्त्वेनोपप्रदानेन शिष्टांश्च परिपालयेत् ॥

(*Sānti Parvan*, lxxxv. 20-21.)

[3] वाग्दण्डं प्रथमं कुर्यात्धिग्दण्डं तदनन्तरम् ।
   तृतीयं धनदण्डन्तु वधदण्डमतः परम् ॥

Draupadī narrates to Yudhiṣṭhira what Prahlāda spoke to his grandson Bali in days of yore. Those who committed offences unwittingly for the first time may be forgiven after proper enquiry (मृगरोक्षपरोक्षया). But those who wrong a second time and that knowingly, are liable to punishment.[1]

Mention has already been made of the appeal which a suitor could make to a higher tribunal, if in his opinion the judgment of the lower court was not impartial or reasonable. The legal procedure of the ancient Hindus also allowed retrial of cases. If it were proved by the retrial that the case had been enquired into with prejudice and partiality, and if the accused were found to be not guilty, in that case the king is empowered to punish the authorities of the lower court for their irresponsible conduct and take legal proceedings against the really guilty party.[2] If on the other hand a man who is legally defeated makes a fresh appeal, his suit could be dismissed with a penalty for his having unjustly resorted to the court a second time, and thus casting unfair reflection on the lower court.[3]

वधेनापि यदा लेतान्निग्रहीतुं नशक्नुयात् ।
तदैषु सर्वमप्येतं प्रयुञ्जीत चतुष्टयम् ॥

(Manu, viii. 128–29 ; cf. S.T.R., viii. 1, 238.)

[1] Sabhā Parvan, xxviii. 31–32.

दुर्दृष्टांस्तु पुनर्दृष्ट्वा व्यवहारान् नृपेण तु ।
सभ्याः सर्जयिनो दण्ड्याः विवादाद्द्विगुणं दमम् ।

यो मन्येताजितोऽस्मीति न्यायेनापि पराजित: ।
तमायान्तं पुनर्जित्वा दापयेद्द्विगुणं दमम् ॥ (Yāj., ii. 308–9.)

[3] Ibid. ; cf. Śukra, iv, v. 85–91 and 109, 126 ; Agni, ccliii, 38.

What the ancients understood by the institution of a law-suit is given in the *Agni Purāṇa.*[1] 'A suit is determined by a reference to four things : (*chatuṣpāda*), is adjudicated with the help of four factors (*chatuṣsādhana*), has its root in the four places (*chatuṣsthanam*), proves beneficial to four classes of men (*chaturhita*), is connected with four different parties (*chaturvyāpin*), and benefits the society in a four-fold way (*chatuṣkari*). Similarly a law-suit involves the co-operation of eight persons (*aṣṭāṇga*) at the time of its trial, proceeds out of the eighteen causes of action (*aṣṭadaśapāda*), is divided into a hundred subdivisions (*śataka*), owes its origin to three different sources (*triyoni*), admits of two sorts of statements (*dvyaviyoga*), is contested by two parties (*dvidvāra*), and is decided by the determination of two sorts of issue (*dvigati*).[2]

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[1] Ch. ccliii. 1–2.

[2] M. N. Dutt Translation. Agni, ccliii. 3–30.

Chatuṣpāda	... ...	*dharma*, *vyavahāra*, *āchāra* and *nyāya*.
Chatuṣsādhana	... ...	Jury, plaintiff, defendant and witnesses.
Chatuṣsthānam	...	Amicable settlement, unanimous public opinion, *dharma* or rule of law, and royal ordinances.
Chaturhita	... ...	Four classes of society : Brahmana, Kṣatriya, Vaiśya and Śūdra.
Chaturvyāpin	... ...	C o m p l a i n a n t, defendant, king and witnesses.
Chatuṣkari	... ...	Fame, property, social status and character of the person affected.
Aṣṭāṇga	... ...	King, judge and jurors, *dharmaśāstra*, astrologer, clerk, gold, fire, water—body of a law-suit.
Aṣṭadaśapāda	... ...	Eighteen kinds of litigation, ccliii. 13–30.
Shaṭaśākha	... ...	The hundred branches of litigation, *Ibid.*. 30 ff.
Triyoni	... ...	Lust, anger and greed—three sources of litigation.

The eighteen kinds of litigation are debts, trusts, co-operative enterprises (*sambhūyasamuthāna*), withdrawal of gifts (दत्ताप्रदानिक),' contract, wage

Were suits admitted and enquired indiscriminately?
Was there any order of precedence in the procedure?
Was there any time fixed for posting the cases? These
interesting questions are answered well by Sukrāchārya.
According to this political theorist there were postings
only in respect of civil cases.[1]   On these appointed days
the plaintiff as well as the defendant could appear in the
court and argue, by means of their lawyers, the causes of
their contention.   As has been already said this is only
for civil cases.   There was no restriction of time for
criminal cases such as murder, sedition, theft or assault.
The cases can be presented at any part of the day and
there must be no delay in examining them.[2]   In illustra-
tion of this we can again quote the *Mrchchakati* where
Samsthānaka, the king's brother-in-law, proffers a plaint
against Chārudatta accusing the latter with the murder
of a courtesan lady Vasantasenā.

The *adhikārikan* or judge who is first under the
impression that it is a civil suit sends reply through an
officer that his cause was not on that particular day,

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of labourers, selling of another's goods (अस्वामिविक्रय), non-delivery of

vended articles, or delivery of useless ones, peace unions (समय), boundary

disputes, marriage suits, division of hereditary property, indictable offences

abusive language (वाक्पारुष्यं), assault (दण्डपारुष्यं), gambling and dis-

obedience to royal orders.

[1] न्यायान् पश्येत्तु मध्याह्ने पूर्वाह्ने स्मृतिदर्शिनं ।

मनुष्यमारणस्तेये साहसेऽन्यायिके सदा ।

नकालनियमस्तत्र सद्य एव विवेचनं ॥   (Śukra, iv. v. 53-54.)

[2] साहसस्तेयपारुष्य गोऽभिशापान्यये स्त्रियाम् ।

विवादयेत् सद्य एवकालोऽन्यत्रेक्षया स्मृत: ॥   (S.T.R., viii, 1, 29.)

But when he knows his to be a criminal case he admits him into the court immediately and begins the trial.[1] We have to take this position for granted for the dramatist does not bring out this point clearly in the context. But when the judge finally admits the case, it is implied that the judge has understood it to be a criminal cause.

[1] अधिकरणिकः—भद्रशोधनक, बहिर्निष्क्रम्य ज्ञायताम्—'कः कः कार्यार्थी' इति ।

शोधनकः—यदार्य आज्ञापयति । आर्याः अधिकरणिका भणन्ति—'कः क इह कार्यार्थी' इति ।

शकारः—(सहर्षम्) उपस्थिता अधिकरणिकाः । अहं वरपुरुषो मनुष्यो वासुदेवो राष्ट्रियश्यालो राजस्यालः कार्यार्थी ।

शोधनकः—हन्त, प्रथममेव राष्ट्रियश्यालः कार्यार्थी । भवतु । आर्य, मुहूर्तं तिष्ठ । तावदाधिकरणिकानां निवेदयामि । आर्याः एष खलु राष्ट्रियश्यालः कार्यार्थी व्यवहारमुपस्थितः ।

अधिकरणिकः—कथम् । प्रथममेव राष्ट्रियश्यालः कार्यार्थी। यथा सूर्ये- दय उपरागो महापुरुषनिपातमेव कथयति । शोधनक, व्याकुलेनाद्य व्यवहारेण भवितव्यम् । भद्र, निष्क्रम्योच्यताम्—'गच्छाद्य । न दृश्यते तव व्यवहारः' इति ।

शोधनकः—यदार्य आज्ञापयति। आर्य, अधिकरणिका भणन्ति—'अद्यगच्छ । न दृश्यते तव व्यवहारः ' ।

शकारः—(सक्रोधम्) आः, किं न दृश्यते मम व्यवहारः ।

(Act ix, Sec. vii, pp. 202-3.)

We had occasion to mention that lawyers were appointed to argue civil cases.[1]   According to Śukrāchārya there were no lawyers employed for criminal cases.[2] They were tried before the jury and the evidence was furnished by the parties themselves along with their witnesses.   Did the court fix any fees for the lawyers appearing for any parties?   Though this question does not find an answer in any of the legal texts to our knowledge, yet the author of the *Śukranīti-sāra*, a practical politician, has answered this point also.[3] There were different rates of fees: 1/10; 1/20; 1/40; 1/60; 1/80 of the value of the interests involved in the court.   It would appear that small cases got only small remuneration while important cases got a higher remuneration.   It is then manifest that the institution of professional lawyers had come into being at least at the time of Sukrāchārya whose date we could not, however, fix with any certainty.

We shall conclude this section with the following reflection of Hanumān on the dignity of law and order.[4]

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[1] *Vide* the interesting leading article in the *Madras Law Journal*, May-June, 1909.

[2] मनुष्यमारणे स्तेये परदाराभिमर्शिने ।

अभक्ष्यभक्षणे चैवकन्याहरणदूषणे ॥

पारुष्ये कूटकरणे नृपद्रोहे च साहसे ।

प्रतिनिधिर्न दातव्य: कर्तानु विवदेत् स्वयम् ॥   (iv. v. 119-120.)

[3] *Ibid.*, 112-115.

[4] निग्रहानुग्रहैः सम्यग्यदा नेता प्रवर्तते ।

तदा भवन्ति लोकस्य मर्यादा: सुव्यवस्थिता: ॥ (40)

' When a king confers favours truly and awards punishments justly, then only the order of the world becomes well established.   He must bestow favours on well behaved persons who seek his aid prudently.   On the other hand he must punish those who transgress law and order.   When the king duly prescribes and shows proper regard to the deserving, then law is well preserved, and good order is maintained.'   That this was realized in practice is evident from the testimony of Hieun Tsiang. He says[1]: ' with respect to the ordinary people, although they are naturally light minded, yet they are upright and honourable. . . .   They are not deceitful or treacherous in their conduct, and are faithful to their oaths and promises . . . with respect to criminals or rebels, these are few in number, and only occasionally troublesome. . . .   There is no infliction of corporal punishment. . . .   In questioning an accused person, if he replies with frankness the punishment is proportioned accordingly. . . .'

बुद्ध्या खप्रतिपन्नेषु कुर्यात्साधुष्वनुग्रहम् ।
निग्रहं चाप्यशिष्टेषु निर्मर्यादेषु कारयेत् ॥ (49)

निग्रहे प्रग्रहे सम्यग्यदा राजा प्रवर्तते ।
तदा भवति लोकस्य मर्यादा सुव्यवस्थिता ॥ (50)

<div align="right">(<i>Mbh.</i>, <i>Vana Parvan</i>, clii.)</div>

Beal, <i>Buddhist Records of the Western World</i>, Bk. II, pp. 83-84.

CHAPTER VI

THE MILITARY ORGANIZATION

Sec. i. GENERAL PRINCIPLES

Ancient India was not a homogeneous unit but was heterogeneous in character. Even after the idea of an empire was recognized the division of the country into various independent and self-governing states, each with its own ruling chieftain was the normal political condition. With such states independent and semi-independent, every one of them was obliged to strengthen its foreign department. There was a war-minister who was probably the head of this department. That he was an officer different from the commander-in-chief is evident from the use of the technical term ' मंत्री ' to this office. This minister must needs know the strength and resources of the enemy and the consequent strength of his own state. He must also gain knowledge of the position, progress or decline of the enemy state and his own. Having deeply pondered over these circumstances, he must advise what is proper and conducive to the welfare of his king.[1] The foreign policy of these states was not confined to the four corners of India; for there is evidence to show that there was continuous intercourse between India and the countries which lay outside, such as China,

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[1] परस्य वीर्यं खबलंच बुद्ध्वा
स्थाने क्षयंचैव तथैव वृद्धिम् ।
तथा खपक्षेप्यनुमृश्य बुध्या
वदेत्तमं खामिहितं च मन्त्री ॥ (*Rāma., Yuddha.*, xiv. 22.)

Egypt, Syria, Ceylon, etc. In the absence of definite evidence of the existence of a separate department of war in the Vedic period of Hindu India, it is reasonable to assume that the foreign department was more an innovation of the author of the *Arthaśāstra*. That this institution was in actual working in the epoch of the Mauryas is further attested by the writings of Megasthanes.

The key-note of the foreign policy was to maintain what is known in European History as the ' balance of power '. To realize this end the conception of a circle of states ' is elaborated in the *Kauṭalīya*. The circle of states was known as the *maṇḍala*. Its invention is however attributed to Uśanas or Sukrāchārya. Foreign rulers are classified by Kauṭalya under four main heads—enemy (*ari*) ; friend (*mitra*) ; neutral (*madhyama*) ; and negligible (*udāsīna*).[1] A circle of states according to Kauṭalya constitutes twelve kings : the invader (*vijigīṣu*), immediate enemy (*ari*) ; invader's ally (*mitra*), enemy's ally (*arimitra*) ; invader's ally's ally (*mitramitra*), enemies' ally's ally (*amitramitra*), rear enemy (*pārṣṇigrāha*), rear friend (*ākranda*), ally of rear enemy (*pārṣṇigrāhasāra*), ally of rear ally (*ākrandasāra*), the neutral king (*madhyama*), and the negligible king (*udāsīna*).[2]

Immediate neighbours were regarded as possibly hostile to each other and those succeeding the first circle of the immediate neighbours were similarly looked upon

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[1] *Arthaśāstra*, Bk. vi, Sec. ii.

[2] *Ibid.* The interpretation of the terms ' *Madhyama* ' and ' *Udāsina* ' given by Shama Śāstri as ' mediatory ' and ' neutral ' do not seem altogether correct. Law is perhaps not so much better when he explains them as ' medium ' and ' super ' and assigns a fitting position to them in the circle of states. (*Arthaśāstra.*, Bk. vi, chap. ii ; *Interstate Relations in Ancient India*, pp. 12 and 13.

as potential allies to the king in the centre (*Vijigīṣu*). Each of these States had respectively three factors which constituted their strength, counsel (मंत्र), power (प्रभु), and confidence (उत्साह). He who possessed more of every-thing was considered superior to the other. Further each State possessed the five other limbs of sovereignty, —the minister, the country, the fort, the treasury, and the army. The relations between these various States were determined in six different ways known as Ṣāḍguṇyam.[1] The source of these six *guṇas* is the seven *prakṛtis* and the *maṇḍala* of twelve kings (द्वादशराजमण्डलं).

In regard to these different courses of action it is enough to say that though the institution of war was recognized as the chief political weapon of the state in ancient India, it was looked upon only as the last resort.

We shall now examine the diplomatic theories accepted in ancient India. A glimpse into the politi-cal condition of Vedic days demonstrates the fact that, besides force, diplomacy was used to a great extent. That deceit was practised to turn back enemies is evident from the *Rig-Veda Saṁhita*.[2] The institution of spies, which is so elaborately described by Kauṭalya was not unknown to the Vedic Indians.[3] In the battle

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[1] षाड्गुण्यस्य प्रकृतिमंडलं योनि: ।

सन्धिविग्रहासनयानसंश्रयद्वैधीभावा: षाड्गुण्यम् इत्याचार्या: ।

(*Trivandrum Edition*, vol. ii, p. 237).

These are agreement of peace (*sandhi*), war (*vigraha*), holding a post against the enemy (*āsana*), ready to attack (*yāna*), alliance (*samāśraya*), and lastly separation (*dvaidhībhāva*).

[2] iv. 15. 4 and iii. 18. 1.   [3] *R.V.*, iv. 4. 3.

of the ' ten kings' occurring in the seventh *maṇḍala*, king Sūdas acts as the ' master of the circle ' and this can be said to anticipate the Kauṭalīyan political world.   It is Kauṭalya who urges the ruler of every state to conquer the earth by means of diplomacy.

In the *Mahābhārata* Kaṇika, the Brahman minister of Dhṛtarāṣṭra, treats the latter with a learned discourse on diplomacy.   It would not be out of place to give the substance of this discourse.[1]   The king should be ever active and exhibit his power like a tortoise.   He must hide his weak points but at the same time get at the weak points of his enemy.   An enterprise once launched should be carried to its conclusion.   Even a weak enemy must not be neglected.   For a single spark will be sufficient to consume the whole forest.   To achieve our ends we can pretend blindness or deafness.   One must not show commisseration to an enemy even if he should surrender (*śaraṇāgata*).   By means of spies in various disguises one must endeavour to win the confidence of the adversary, to ultimately throw himself over him like a wolf.   The destruction of the enemy should be effected by conciliation, by gifts, by creating divisions among his ranks or subjects, and lastly by open war.   Again according to Kaṇika enemies could be destroyed by deceit, gifts, poison, and incantation.   Even though irritated one must appear calm and put on a smiling countenance and speak soft words so long as it is necessary ; but when once the moment arrives one should strike without flinching.   After striking speak words of sympathy and pretend to shed tears of sorrow. If the enemy should continue the old path then he might be exterminated.   By all means whatsoever one

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[1] *Mbh., Ādi Parvan*, chap. cliii.

must endeavour to raise himself from a humiliating position so that he may lead a prosperous life. He who would repose after concluding a treaty with the enemy, is a mad man, for, at any time the enemy might regain strength and rise against him. In fighting an enemy, one must have an eye on the future as well as on the past, besides noting carefully the circumstances of time and place.

These principles of diplomacy enunciated by the Brahman minister Kaṇika are said to resemble, or rather equate with the principles formulated by Kauṭalya.[1] There is no reasoned proof in this particular. Though Kauṭalya inculcates a diplomatic code, yet his principles are not vitiated by intrigues and cruelty in disregard of all morality. Kauṭalya's political philosophy is of a higher order, and can more fitly be compared with the theoretical principles formulated by the sage Nārada in the *Mahābhārata*.[2] The fundamental ideas common to both are that 'conquest is not an end in itself; victory is counterbalanced by responsibilities, and acquisitions by the necessity of having to provide for safeguarding them.'

The basis of diplomacy is distinguished by seven elements (*prakṛti*).[3] These are the sovereign, the minister, the country, the fortress, the treasury, the army, and the ally. Of these the sovereign occupies the central position. Reference has already been made to the sphere of action, namely, the cycle of twelve states. Real action is by the six-fold policy.[4] Peace, war, balance of power, expedition, alliance and creation of differences form the six-fold policy. Though Vātavyādi contends

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[1] Nag, *Les Theories Diplomatiques*, p. 35.

[2] *Sabhā Parvan*, chap. v. [3] *Arthaśāstra*, Bk. vi, chap. ii.

[4] Cf. Manu, vii. 156 ff.

that war and peace are the only basis of this six-fold
method, still Kauṭalya is of opinion that all the six
together contribute to pursuing the six-fold policy.
Kauṭalya further recommends that peace may be made
with equals and superiors, while the inferior must be
attacked. A treaty might be of three kinds, equitable
(सम), not quite equitable (विषम), and impossible (अधं).
But if an inferior is of good intentions the conquering
king may help him. When peace is offered or asked for,
both the contending parties should consider the motive
that necessitated such a step, and decide on the basis of
the circumstances. The terms of peace are acquisi-
tion of friend, gold, or territory. Kauṭalya concludes his
discourse with the following reflection : ' When local
persons join hands with foreigners the former are to be
won over by *sāma* and *dāna*, when foreigners incite
the local chieftain, then dissension and coercion (*bheda
and daṇḍa*) might be used. But if there is any internal
danger that must first be suppressed.'[1]

Sec. ii. DEFENCES OF THE KINGDOM

The political condition of ancient India was such
that it necessitated strong defences for a kingdom. The
defences of a kingdom ordinarily constituted impreg-
nable fortresses and a highly trained army. The
fortifications were of a varied character. Water, mountain,
desert and forests served as defences.[2] Generally the
capital of every kingdom was fortified strongly. With

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[1] Cp. Manu, vii. 106 ff.

[2] अन्तर्द्वीपं स्थलं वा निम्नावरुद्धमौदकं, प्रास्तरं गुहां वा पार्वतं,
निरुदकस्तम्बमिरिणं वा धान्वनं, खजनोदकं स्तम्बग्रहनं वा वनदुर्गं ।

(*Arthaśāstra*, Bk. ii, Sec. iii.)

the construction and other features of fortification we are
not at present concerned.[1]   Of these water and moun-
tain fortifications served best as defences for centres
thick with population, whilst the other kinds, the desert
and forest fortifications were intended to ward off
dangers arising from unknown wilds and woods.[2]   The
category of fortifications including deserts and forests
(காவற்கா‍டு) was largely prevalent also in South India in
ancient times.   There is evidence to show that there
were a number of harrying wars among the different
states which were a source of trouble and disturbance
to the civil population.   As the paramount keepers of
peace kings in South India felt the necessity for
fortifications and it is not surprising that even villages were
fortified.   Some of them had impregnable fortresses sur-
rounded by deep moats, unscalable walls and tall towers.
There is then evidence to show that siege warfare played
a significant part not only in North India but also in South
India.   At least the conception of the ancient world was
that fortresses alone are the best sources of defence and
that king who had a fort to shelter himself was con-
sidered a strong and efficient monarch.   The usefulness
of siege warfare continued to the end of the middle ages
and the beginnings of modern times.   Only when the use
of gunpowder became popularized, it was felt that sieges
were of no avail.   Sieges could not be undertaken if there
was no efficient army.   The ancient Indian army con-
sisted of the four-fold division : cavalry, infantry, chariots,
and elephants.   There was a special arsenal department

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[1] Manu, vii. 69 ff. ; Viṣṇu, iii. 3 ; Śukra, iv. 6. 3–12 ; cf. *Arthaśāstra,*
Bk. ii, Secs. iii and iv.

[2] तेषां नदीपर्वतदुर्गं जनपदारक्षस्थानं, धान्वनवनदुर्गं अटवीस्थानं ।

(*Arthaśāstra,* Bk. ii, Sec. iii.)

(आयुधागार) which supplied the wants of both the defenders of the fortress and the other members of the army. The arsenal department had a store of machines, all kept in order. There were also minor weapons of warfare which were supplied to soldiers. Some of these weapons were *śakti* (spear), *śūla* (trident), *tomara* (iron club), *bhindivāla* (javelin), *gada* (mace), *śatagni* (cannon), besides swords, bows, and arrows of innumerable varieties in addition to armour of iron and skins.[1]

Sec. iii. ETHICS OF WAR

Let us now turn our attention to the ends of war which actuated the ancient Hindus to undertake wars in general. Earth hunger was not always the motive. The motives were not political exclusively but in a way moral and religious. Although righteous warfare (*dharma-yuddha*) has been regarded as the chief function of the Kṣatriya caste, still war is not recommended in all cases. The ancients realized the terrible loss both in men and money for both the contending parties in war, and hence endeavoured to avoid war in general.[2] But once war was declared the warrior was to fight to the end, either win or die on the field of battle. That war was entered into only as a last recourse is abundantly clear.[3] If all

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[1] *Arthaśāstra*, Bk. ii, Sec. xviii.
[2] See especially the edicts of Aśoka after the Kalinga war.

अनिष्यो विजयो यस्मात्तद्द्विषते युध्यमानयो: ।

पराजयश्च संग्रामे तस्मात्युद्धं विवर्जयेत् ॥ (Manu, vii. 199.)

[3] साम्ना दानेन भेदेन समस्तै अथवा पृथक् ।

विजेतुं प्रयतेतारीन्न युद्धेन कदाचन ॥

(Manu, vii. 198; cf. *Śānti Parvan*, ch. lxix. 24.)

the four diplomatic means (*sāma*, *dāna*, *bheda* and *daṇḍa*) had failed then recourse could be had to open war.

With such high aims in view it is quite possible to find a good ethical standard prevalent in ancient Indian warfare.

Manu says whether the enemy was equal, superior or inferior, any Kṣatriya called to arms, must not turn back, for it is to violate the *dharma* of the Kṣatriyas. Such of the kings who fight one another without turning their backs attain *vīrasvarga* or heaven.[1]   According to Devala,[2] to be killed in battle is to reap the full fruits of an *aśvamedha* sacrifice.

The fact of falling in the field by fighting is said to be an unparalleled *dharma* of the Kṣatriyas. They sacrifice themselves selflessly at the altar of protection for the state and community.

Vyāsa says that it is the right royal road leading to heaven. No amount of sacrifice, penance, or learning would be of avail in attaining heaven as this straight path of being killed in a righteous war. From *Āpastamba's* 'युद्ध्यमानो हत' down to the later law-giver and the later *Arthaśāstra* writer there is unanimous recommendation of the principle of fighting to the end and never turning back.

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[1] Manu, vii. 87–89.

[2] प्रजार्थं क्षत्रियो युद्ध्येत्तान् प्राणान् सम्परित्यजेत् ।
अश्वमेधफलं कृत्स्नं निसर्गेणाधिगच्छति ॥ (*Vīra.*, p. 45.)

शस्त्रेन निहतः सङ्ग्रामे द्विषद्भिरपराङ्मुखः ।
शक्रलोकमवाप्नोति स्वदेहार्योद्द्विजितं शुभम् ॥ (*Ibid.*, p. 406.)

यः आह्वेषु वध्यन्ते भूम्यर्थमपराङ्मुखाः ।
अकूटैरायुधैर्यान्ति ते स्वर्गे योगिनोयथा ॥
(*Yāj.*, ch. i. 324.)

To kill in war or to be killed in war was not deemed unrighteous. On the eve of the battle at Kurukṣetra when Arjuna sees in the battlefield, his near and dear ones not excluding even the *āchāryas* on the other side, he becomes despondent and resolves not to fight. It is for Lord Krisṇa to initiate him into the subtleties of the Kṣatriya *dharma* and rouse him to action.[1] But it was no indiscriminate fighting into which the ancients launched themselves. For the *Mahābhārata* rules that only equals could fight with each other, either beast or man. Elephants were to fight with elephants, horses with horses and so on.[2] This means there was to be fighting between equals. For example one could not be attacked by odds. And again a Kṣatriya could not call to arms any soldier who is not prepared to fight, or who has no armour on. Therefore a warrior in war-suit who proclaims his readiness to accept an engagement could be fought. A keen sense of duty animated the ancient Kṣatriyas of both north and south India. The death of a Kṣatriya at home is not

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[1] *Bhagavat Gīta*, chap. i.

[2] नासन्नद्धो नाकवचो योद्धव्यः क्षत्रियो रणे ।
एक एकेन भाव्यश्च विसृजेति क्षिपामि च ॥
सचेत्सन्नद्ध आगच्छेत्सन्नद्धव्यं ततोभवेत् ।
सचेत्सैन्य आगच्छेत्ससैन्यस्तमथाङ्गयेत् ॥
सचेत् निकृत्या युध्येत निकृत्या प्रतियोधयेत् ॥
अयचेत्धर्मतो युद्ध्येत्धर्मेणैव निवारयेत् ॥
नार्थेन रथिनं यायाद्दियाद्रथिनं रथी ।
व्यसने न प्रहर्तव्यं नभीताय जिताय च ॥
न पदातिर्गजं युध्येन गजेन पदातिनम् ॥

(*Śānti Parvan*, ch. xcv 7. ff.)

appreciated. On the other hand it is condemned as a sin committed by the Kṣatriya.[1] A true Kṣatriya must exert himself in the field, evoking respect and applause from his friends and allies, and wounded by sharp weapons of war, must find an honourable death.[2] The same is true of South Indian history. If it should happen that a warrior died at home due to old age or other natural causes, custom was to make the dying man lie over a bed of *kuśa* grass and have him cut with a sword, the *purohita* chanting *mantras*. This was deemed equal to being slain on the theatre of war.[3]

The law-giver Yama condemns the soldier who runs away from the field in fear. The compiler of *Vīramitrodaya* quotes the text of Yama, and comments on the phrase, पृष्ठं रणे रक्षेदियनेन पळायननिषेध: । p. 406, quite appropriately. Tamil literature contains soul-stirring stanzas where heroic mothers hail the death of their sons, and heroic wives of their husbands, in the battle-field, with great joy. One heroic woman gives vent to such feelings that if she would hear that her dear son had returned in fright from the field, she would cut off her breasts that gave milk to him and tended him when young.

[1] नगृहे मरणं तात क्षत्रियाणां प्रशस्यते ।

शौण्डीराणामशौण्डीर्यमधर्मं कृपणं च तत् ॥

(*Sānti Parvan*, ch. xcvii. 25.)

[2] रणेषु कदनं कृत्वा सुहृद्भि: प्रतिपूजित: ।

तोक्षणै: शस्त्रैरभिक्लिष्ट: क्षत्रियो मृत्युमर्हति ॥ (*Ibid.*, 28.)

[3] Cf. Nachchinārkinyar on *Tolka. Akath. Sūtram* 44. Also *Puram* 93, *akam* 61.

கருவைப்பிந் இடத்தி எனிற்பொருந்த
செருப்புகள் மோரி டீவஞ்ஜி செய்னேன
மூத்த வீள்கலிக் குடிப்பிறக்தேரிக்கு
எரிப்புடை பெயார்ஜ எனுந்தந குடைந்தே   .   .   .   .   .   .

(*Maṇimekhalai*, 23, ll. 13 ff.)

There are several stanzas in the *Purapporul Venbāmālai* which illustrate the deep heroism latent even among the women of South India.   One of them, runs as follows :[1]

' My father stands like a stone in the field where he fell : my husband fell dead in the thick of the fight : my elder brothers bore the brunt of the enemy's attack and gave up life : my son standing firm behind the broken ranks of his own army, shot his arrows from his bow vigorously and assailed the enemy king falling dead like a boar transfixed.'

There is thus evidence to demonstrate that heroism was the ruling passion of ancient Indians.

Though the importance and necessity of war have been recognized, still there are healthy regulations which go to show the high sense of ethical standards prevalent in ancient India.   First it is forbidden to use invisible arms and poisonous or fire-emitting weapons.   If these are used it is unrighteous warfare.[2]   Again one must not kill in war his adversary with weapons concealed, nor with barbed, poisoned and blazing arrows.   A chariot warrior must not kill one on the ground.   Also a eunuch, one who prays for life, one who submits, one in sleep, with no armour or arms, a naked man, a visitor, one engaged with another, one whose weapon is broken, one who weeps, or who is seriously wounded, one afraid of life, or one who flies from the field are forbidden from being attacked in war.[3]

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[1] எங்கிய்று Qஎன்ல்ைந கண்வன் சஎப்பட்டான்
முன்னிய்ற Qமாப்ப வீ ஈஜ்ரQ்ஜ்்ஈ்ஈ்ஈ்ப்–ப்க்்ஈ்ற
ஙஈGபரூ்க க்்ஈஜ்ப்ஈ்ங்்ஜப்ப்க் ்ஈ்ஈ்வ்்ஈGம Gஙபரு
Qமம் Gஙப்ப்ங்்்ஈ்ப்ரGங்ஈ்ங்Gங்ந (ch. viii. 22.)

[2] नकूटेरायुधैर्हन्याद्युद्ध्यमानो रणे रिपुन् ।
नकर्णिभिन्नॆपि दिग्धेनॊग्निज्वलितॆज्जनॆ: । (Manu, vii. ୧0 ff.)

[3] **Manu, vii. 91-4.**

36

Baudhāyana lays down that Kṣatriyas ought not to fight the following nine : the timid, the intoxicated, the insane, the negligent, the unprepared, women, children, the aged and the Brahmans. [1]

To these Gautama adds ambassadors and cows [2] and Devala one who eats grass. [3]

Thus a war never affected the progressive and civilized elements of the state. The non-warring elements were never interfered with. Or rather there was no slaughter of the innocents. Further the arts and crafts went on as usual, unaffected in the least. According to the principles of righteous warfare even the cultivated fields, fruit and flower gardens were not touched. Wars were then fought at *any* cost but not with *any* method.

Again in the treatment of the vanquished we do not find anything unscrupulous or indiscriminating perpetrated in the name of justice. According to Manu spoils of war like chariots, horses, elephants, umbrellas, treasure, grain, cattle, women and all other wealth belong of right to the conqueror. After the whole spoils have been gathered it is the pleasant duty of the monarch to distribute them among his loyal warriors : [4]

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[1] भीतमत्तोन्मत्त प्रमत्तविसन्नाहस्त्रीबालवृद्धब्राह्मणैर्न युद्ध्येतान्यत्राऽऽततायिनः ॥ (i. 10. 18.)

[2] न दोषो हिंसायामाहवेऽन्यत्राश्वसारथ्यनायुधकृताञ्जलि प्रकीर्णकेश-पराङ्मुखोपविष्टस्थलवृक्षाऋढदूतगोब्राह्मणवारिभ्यः (Gautama, x.)

[3] तृणखादोपरप्रेप्सुरलसः शरणं गतः ।
षण्ढः परार्दितो लिङ्गी स्थविरः पतितः शिशुः ॥
(Quoted in *R.N.R.*)

[4] रथाश्वं हस्तिनं छत्रं धनं धान्यं पशून्स्त्रियः ।
सर्वद्रव्याणि कुप्यं च यो जयति तस्य तत् ॥

This distribution was to be even and proper in regard to the rank and status of the warriors in general.[1]

Besides the victorious monarch was to offer worship to the various deities, make presents to *dharmic* Brahmanas and proclaim guarantee of protection (अभय) to all.[2]

Then the defeated monarch if alive, or one of his near legal heirs would be installed on the throne entering into a compact with the conqueror. He should promise to act according to *dharma* and should be honoured by wealth and servants. The womenfolk were chivalrously treated as mothers and sisters. The corn fields, fruit and flower gardens were left unmolested.[3] This is further corroborated by the evidence of Megasthanes. ' Whereas among other nations it is usual in the contests of war, to ravage the soil and thus to reduce it to an uncultivated waste, among the Indians, on the contrary, by whom husbandmen are regarded as a class that is sacred and

राज्ञश्च दद्युरुद्धारमियेषा वैदिको श्रुति: ।
राज्ञाच सर्वयोधेभ्यो दातव्यमपृथग्जितम् ॥ (Manu, vii. 96-7.)

[1] यथाहं सभाजयेत् राजा । (Gautama, chap. x.)

[2] नात: परतरो धर्मो नृपाणां यद्रणार्जितम् ।
त्रिप्रेभ्यो दीयते द्रव्यं प्रजाभ्यश्चाभयं सदा ॥
(Yāj., i. 323 ; cf. Manu, vii. 201.)

[3] दुष्टस्यापि नरेन्द्रस्य तद्राष्ट्रं न विनाशयेत् ।
न प्रजानुमतो यस्मादन्यायेषु प्रवर्ततं ॥ (Vira., p. 411.)
सर्वेषांतु विदित्वैषां समासेन चिकीर्षितम् ।
स्थापयेत्तत्र तद्वंश्यं कुर्याच्चसमयक्रियाम् ॥
प्रमाणानिच कुर्वीत तषां धर्मान्यथोदितान् ।
र्क्तैश्च पूजयेदेनं प्रधानपुरुषैः सह ॥ (Manu, vii. 202-3.)

inviolable, the tillers of the soil, even when battle is raging
in their neighbourhood, are undisturbed by any sense of
danger, for the combatants on either side in waging
the conflict make carnage of each other, but allow those
engaged in husbandry to remain quite unmolested.
Besides they neither ravage an enemy's land with fire,
nor cut down its trees.'[1]

In conformity to the above the law-giver Viṣṇu rules
that the Rājakula or the family of the reigning king
should not be extinguished on any account.[2]   But the
practical law-giver Kātyāyana seems to raise an interest-
ing point in the course of a discussion on this subject.
' Suppose the king of the land is an undesirable and
an unrighteous monarch.   How could he be continued.'
For the sake of a misbehaved monarch Kātyāyana says
one must not destroy the kingdom.   For the evil actions
of the king could not have the acquiescence of the people
at large.   So in the opinion of this law-giver we can get
rid of the king and not of the kingdom.   On the other
hand the conqueror must show regard to the established
customs, usages, and the family laws of that country.

Tamil literature presents quite a contrast to the
above recommendations.   The treatment meted out to
the conquered was far from humane.   Often the defeated
king was captured and put to death.   Quite against the
ruling of Kātyāyana the capital city was given to the
flames or razed to the ground, and plundered of all
wealth and treasure.   The *Puṟanāṉūṟu* shows how at
the conclusion of the war the victorious soldiers
quenched the thirst of their vengeance by ploughing the

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[1] McCrindle, Frag. i.

[2] ‘राजा परपुरप्राप्तौ तत्कुलीनमभिषेचयेत् न राजकुलमुच्छिन्द्यात्।’

(Viṣṇu, iii. 30–31 ; cf. *Arthaśāstra.*, vii. 16 and xiii. 4.)

roads and streets with asses and donkeys and sowing seeds of castor, cotton and other cereals. It is said even the houses of gods were not spared.[1]

In a word they converted the city into a jungle. But it is refreshing to note from another classical work *Silappadhikāram* there was also the practice of reinstating vanquished monarchs on their submission as tributary chieftains. King Senguṭṭuvan routed Kanakan and Vijayan of North India and took them prisoners. But they offered submission and were set free and restored to their places as subordinate chiefs.[2]

Lastly the army was followed by an ambulance corps, well furnished with expert surgeons and physicians to heal both man and beast when they fell ill or got wounded in the field. It is said in the *Mahābharata* that this philanthropic work extended generously enough to the wounded soldiers even of the enemy ranks.[3]

[1] கபுங்தேர குழித்த மூடுங்கெலலாங்கண்
வெள்ளாய்ப்கழுதைப்புல்லினம் பூட்டிப்
பாற்செய்த்கையவர் கைக்தெல கல்வெயில்
புக்கின மிமிழும் புகழ்சால் விணயவல். ....(*Puṟam* 15.)

Again வெள்ளாய்ப் கழுதைப் புல்லினம் பூட்டி
வெள்ளை வாருங்கொள்ளுக் வித்தும்
கைகதுமுன வாழிய பெயிரேதனச்
வென்றியா வின்றப்பெ ஈகவன்தேp. etc.

(*Puṟam* 392 ; cp. *Purapporul*, chap. vi. 26.)

[2] ஆரியவாரசை யருஞ்கிறை ரீக்கிப்
பேரிசை கஞ்சி முதூர்ப்புறத்த
நாற்சீர் வேலித தன்மலைப்பூம்பொழில்
கேளாக்கேர மாளிகைகாட்டி
கன்பெருவேள்வி முடித்ததற்பின்ருட்
டம் பெரு தெவேசர்க் காரைதுகு செர்லலியும்.

(*Silappadhikāram*, 28, ll. 195, 202.)

Vide *Annals of the Bhāndarkar Institute*, vol. vii, pt. 4, pp. 394-6.

[3] चिकित्स्यः स्यात्स्वविषये प्राप्योवासगृहे भवेत् ।
निर्वैणश्च समोक्त्य एष धर्मः सनातनः ॥

(*Śānti Parvan*, xcv. 18.)

Nakkīrar in the Tamil classic *Neduṇal-vāḍai*[1] one of the ten collections which go by the name of *Pattupāṭṭu*, describes in felicitous terms how Neḍum Śeliyan II conducted himself towards the wounded soldiers in his camp.   Late in the night, and in spite of inclement weather accompanied by rain and chill air the king used to leave his camp with an escort and make kind and sympathetic inquiries after each soldier suffering from a wound or pain.   Usually a general would go in advance and point out to the king the heroic men wounded on the previous day's fight.

There is thus every reason to believe that the ancient Hindus set high moral standards even in practical warfare.

Sec. iv.   INFORMATION IN WAR

Clauswitz whose work on ' the art of war ' still holds the field as a classic defines ' information ' in war as the knowledge of the enemy and his country.   This is generally sought by letting loose informants and sending·

[1] சிலீரட டக்கை கிலமிசைப் புரசக்
கலிற காம்பமிடுத்த பெருஞ்செய் பாடவ
ஒராளிஞாகள் விழுப்புகள் காவிய புறம்போர்க்த
கடக்கைதத் தன்னவளி பெறிஞோற அடக்கித்
தெற்கேர் பிறைஞ்திறப தலைய சுற்டல்
பாண்டில் விளக்கிற் பகுடச்சுட ரழல
செம்புதில் யாத்த சேர்க்கர் ஒழிக்சஞொரே
முன்ஞேன் முறைமுறை காட்டப்பிள்ளர்
மணிபுரத்திட்ட மாத்தாரட் பிடிஒரே
பருகைக் கிஞாபாய் டாய்பரிக்கலிஞா
விருஞ்சேற்றத் ஒதருவிஒறிதுளி விநிற்பப்
புடைலி ழர்துஇ விடலயிற் றழிஇ
காடேரட் சோர்த்த எள்கட் காஞா
சவள்ளிமைச பலமுந்த கைகன் முஞவமார்க்த
ழுள்ளர்ல் யாத்த மரில் ஒளண்குடை
தல்ஒளன்றமை இச்தாதுளி மைறப்ப
கள்ஒளன் யாமத்தும் பள்ளி ஒகாள்ளர்ள்
கிவஒரே திர்குரும் சேர்தன்
பலஒரரே முரளிய பாசைறப்த் தொழிலேல.   (ll. 172-188.)

ambassadors to the enemy's kingdom. The institution of informants is as old as the composition of the *Rig-Veda Samhita.* No other author than Kautalya gives a fuller treatment of this institution. The king-in-council shall appoint these secret officers after completely satisfying himself as to their character and ability.[1] According to Yājñavalkya these secret commissioners like the ambassadors must report to the king-in-council.[2] The *Kautalīya* says that the informants should be set in motion against inimical, friendly and neutral kings as well as the various departments of the state.[3] The informants in the enemies' kingdom are to move with the people at large and intrigue against the king by inciting the people against him by playing on their weaknesses.[4] The work of these informants consists mainly in informing their king of the attempts and movements of the enemy kings. They may also sow seeds of dissension among the enemies' army officers, ministers or royal princes.[5] How much could be effected by sowing the seeds of dissension is seen from a careful perusal of section 1 of Book xiii of the *Kautalīya.* Again these informants encourage the army on the eve of the battle by speaking of their own successful operations and the failure of the enemy.[6] This is because the soldiers knew full well that the information furnished by these officers should be correct as it was first-hand.

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[1] *Arthaśāstra*, Bk. i, Sec. 11.

[2] प्रेषयेच्च तनश्चारान्खेष्वन्येषु च सादरान् ।

ऋत्विक्पुरोहिताचार्यैः आशीर्भिरभिनन्दितः ।

(Yāj., i. 332.)

[3] Bk. i. 12.   [4] Bk. i. 14.

[5] Bk. i. 6; cf. *Mahābhārata, Āśrmva,* v. 36 and vi. 13.

[6] Bk. x, chap. iii.

The *Rājanīti Ratnākara* (p. 50) says that the king must first see the *charas* or secret commissioners, and then the *dūtas* or the ambassadors for information regarding the strength or otherwise of the enemy.[1] The qualifications and duties of the ambassadors are many and varied. Manu gives the following qualifications of an ambassador: 'versed in all sciences, skilled in reading the signs, gestures, and movements of other persons, pure, clever, hereditary, loyal, honest, of a strong memory, ready to adjust according to time and place, of strong physique, devoid of fear, and clever in debate.'[2] An ambassador is generally appointed from among the councillors. It is common that an able and successful councillor is sent on this mission. After making previous arrangements as to conveyance and subsistence he should start on his mission with the following reflection : ' The enemy shall be told thus. This shall be the reply to him, and thus he shall be imposed upon.'[3]

The ambassador was expected to make himself a friend of the enemy's officers on the wild tracts, on the boundaries of cities and of country parts. He should gather information in regard to the strength of the enemy's military stations, fourfold forces, fortresses, treasury and other weak and strong points in his kingdom. With previous permission he should enter the palace and speak out without any reservation whatsoever. In

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[1] पश्येत् चारान्ततोदूतान्प्रेषयेतमन्त्रिसङ्गुत: ।   (Yāj., i. 328.)

[2] *Matsya Purāṇa* and *Garuda Purāṇa*, pp. 180-2 quoted in *Vīramitrodaya*; Manu, vii. 63-4.

[3] " शासनमेवं वाच्य:, परस्स वक्ष्यत्येवं तस्येदं प्रतिवाक्यमेवमतिसन्धातव्यम् " इत्यधीयानो गच्छेत् । (*Arthaśāstra*, Bk. i, Sec. 16.)

giving out his mission he should note how it was being received by the king from the gestures and the mode of his reply.

Having settled his mission, successful or not, he might return without, in any manner, giving out information regarding his own state. He should endeavour to elicit information in full regarding the enemy without getting himself into trouble and then return.[1] The responsibilities of a *aūta* are very great. He alone brings in peace, or breaks off the peace, and makes a cleavage among the subjects of the country.[2] As the commencement of hostilities or their end depends on this all-important functionary, the sacredness of his person is accepted on all hands. Chandeśvara quotes from the *Śukranīti* to the effect that a *dūta* though a *mleccha* ought not to be slain. Even at the cost of his life he was expected to speak nothing but the truth. Whether he would speak in favour or not, he should be ever honoured and not disrespected.[3]

When Hanumān was ordered to be killed by Rāvaṇa, king of Ceylon, it was Vibhīṣaṇa who saved the

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[1] *Ibid.*; Manu, vii. 67.

[2] दूतएवहि संधत्ते भिनत्येव च संहतान्

दूतस्तुकुरुते कर्म भिद्यन्ते येनमानवा: ॥ (Manu, vii. 66.)

[3] दूतो म्लेच्छोऽप्यवध्य: स्याद्राजा दूतमुखो यत:

उद्यतेष्वपि शस्त्रेषु दूतो वदति नान्यथा ॥ (*R.N.R.*, p. 46.)

Also in the *Kauṭalīya* :

शासनं च यथोक्तं ब्रूयात् प्राणाबाधेऽपि दृष्ट ....

उद्यतेष्वपि शस्त्रेषु यथोक्तं वक्तार: तेषाम्न्ताबसायिनोऽप्यवध्या: ।

(*Arthaśāstra*, Bk. i, Sec. 16.)

situation by pointing out to his brother the rulings of the *Śāstra* in regard to the treatment of the ambassadors.[1]

There is an interesting inscription of the great Chola king Rāja Rāja (A.D. 985) who conquered *malaināḍu* and killed eighteen princes in retaliation for insult offered to his ambassador.[2] From this the inference is irresistible that the development of international law in ancient India was *de jure* if not *de facto*.

Sec. v. THE FOURFOLD ARMY

It has been already said that the ancient Indians divided themselves into four classes which formed the basis of their social organization. The very object of this division is claimed to be a division of labour, each caste or group functioning in its particular sphere so that society could progress on healthy and harmonious lines of development.[3] The chief duties of the Kṣatriya are protection and punishment.[4] Protection was to be effected by means of weapons of warfare, fourfold army, gifts, and other *dharmic* methods. It may

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[1] दूता न वध्याः समयेषु राजन् सर्वेषु सर्वत्र वदन्ति सन्तः ॥

असंशयं शत्रुरयं प्रवृद्धः कृतं ह्यनेनाप्रियमप्रमेयं ।

न दूतवध्यां प्रवदन्ति संतो दूतस्य दृष्टा बहवो हि दण्डाः ॥

वैरूप्यमङ्गेषु कशाभिघातो मौल्यं तथा लक्षणसन्निपातः ।

एतानि दूते प्रवदन्ति दण्डान् वधस्तु दूतस्य न नःश्रुतोऽपि ॥

(*Sundara Kāṇḍa*, lii. 13-15.)

[2] *Ind. Ant.*, vol. xxii, p. 142 ; cf. *Rāmāyaṇa*, vii. 67. 17 ff.

[3] *Supra*, p. 40.

[4] In commenting on the second line of stanza 20 of *Puṟatiṇaiyiyal* of *Tolkāppiyam*,

'ஜீவ மாட்சி அரசுக்குறும்' Nacchinārkiniyar says,

" பல்லகையாங்கரத்தும் எருமைப்பரத்தும்

மீரைபடெரிவீளரத்தும் பிபரற்றும்

அறத்தில் குறம் எற்றும் அரசகுடிு எரூரும்,"

be asked whether the use of arms was then the monopoly of the warrior class (Kṣatriya). Though to a large extent the army consisted of the members of the Kṣatriya community still other castes were not excluded from it. In the Vedic period the infantry men were largely from the Vaiśya class (*patti*) but under the Kṣatriya lead.[1] Again the interesting discussion by Kautalya on the relative merits and demerits of the army recruited from different castes shows that before the time of the composition of the *Arthaśāstra*, armies were recruited from all the four castes. In the opinion of Kautalya the army composed of the Brahmans is to be discarded as it could be won over easily.[2] This shows the conception of a highly evolved physiological organism. Here the retinal cell could not receive impressions of smell or the olfactory cell those of taste or touch. In other words the organ of sight cannot hear, and the organ of hearing cannot see or taste. Judged in this light the Brahman could not but be an inefficient soldier and the Kṣatriya a bad trader. That an organ is particularly fit for one function is a merit of the highest sociological value. In that way functions and structures of Indian social polity have become specialized, and this is not a demerit. A trained Kṣatriya host is the best. Even that force consisting of Vaiśyas and Śūdras could not be useful except when they are numerically strong and so valuable

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[1] *V.I.*, ii, p. 334.

[2] ' ब्राह्मणक्षत्रियवैश्यशूद्रसैन्यानां तेज: प्राधान्यात् पूर्वं पूर्वं श्रेय-स्संनाहयितुम् ' इत्याचार्याः नेतिकौटिल्य: – प्रणिपातेन ब्राह्मबलं परोऽभि-हारयेत् । प्रहरणविद्याविनीतं तु क्षत्रियबलं श्रेय: ; बहुल्सारं वा वैश्यशूद्र-बलमिति । (*Arthaśāstra*, Bk. ix, Sec. 2.)

in outwitting the enemy.[1]   On the efficiency of an army
Kauṭalya remarks: 'Hereditary, strong, disciplined, with
a contented family, enduring even in tedious marches,
invincible, possessing powers of endurance, highly trained
in various modes of warfare, skilled in handling differ-
ent kinds of weapons, ever ready to share the trouble
or otherwise of the king, loyal, and composed purely of
Kṣatriyas is the best army.'[2]

In this connection we can examine whether the ancient
Indian states had a standing army or an army recruited
and disbanded at will.   The evidence available shows
that both methods were in practice.   A detailed study
of the constitution of the Indian army in early times
shows that there were as many as six kinds of troops, the
ṣaḍaṅgabala of Hindu political literature.[3]

These are hereditary (*maula*), mercenary (*bhṛtaka*),
belonging to guilds (*śreni*), those of an ally (*mitra*), those
of an enemy (*amitra*), and those of forest-tribes (*āṭavi*).
The first *maula* refers in all probability to the standing
army, for it is said to be dependent on the king for main-
tenance and also liable to be constantly drilled.   In other
words it was in the continuous employ of the state.   The
other troops were recruited whenever necessary and
dismissed as soon as the threatened crisis was over.   This
is further confirmed by the account of Megasthanes who
remarks, 'This class of fighting men when not engaged

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[1] *Arthaśāstra*, Bk. ix, Sec. 2.

[2] पितृपैतामहो नित्यो वश्यस्तुष्टभृतपुत्रदारः प्रवासेष्वविसंवादितः सर्वे-
त्राप्रतिहतो दुःखसहो बहुयुद्धसर्वयुद्धप्रहरणविद्याविशारदः सहवृद्धिक्षयिक-
त्वाद्द्वैध्यः क्षत्रप्रायः इति दण्डसम्पत् । (*Ibid.*, Bk. vi, Sec. 1.)

[3] मौलभृतक श्रेणिमित्रामित्राटवीबलम् : (*Ibid.*)
Cf. *Kāmandaka*, xviii. v. 2 ff. ; *S.T.R.*, v. 6. 62.

in active service pass their time in idleness and drinking. They are maintained at the king's expense and hence are always ready when occasion calls to take the field, for they carry nothing of their own with them but their own bodies.'[1] To quote Arrian again: 'They have only military duties to perform. Others make their arms, others supply them with horses, and they have others to attend them in their camp, who take care of their horses, clean their arms, drive their elephants, prepare their chariots and act as their charioteers. As long as they are required to fight the fight, and when peace returns they abandon themselves to enjoyment, the pay which they receive from the state being so liberal that they can with ease maintain themselves and others besides.' It is thus manifest that the institution of a standing army dates its existence from the beginnings of the Maurya history, if not earlier.

The four-fold division of the army is a classical division accepted by all the extant texts on Hindu polity. It consisted of the cavalry, the infantry, the elephants and the chariots. The Buddhist *Jātakas* refer to this four-fold force.[2] The *Vessantara Jātaka* furnishes details of the constitution of king Sañjaya's army.[3]

> 'My horses, chariots, elephants, and soldiers go
> prepare,
> And let the people come around, the chaplains all be
> there,
> The sixty-thousand warrior lords around and adorned
> so fair,
> Drest up in blue, or brown, or white, with blood-red
> crests be there,

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[1] McCrindle, *Ancient India*, Frag. 36.

[2] *Caturaṅginīya Senayā*, vol. ii, Nos. 66, 70, 71, etc., vol. iii, Nos. 157, 161; vol. iv, Nos. 80, 307, etc.

[3] Cowell Trans., vol. vi, 298.

> Like as the spirit-haunted hills where trees a-plenty
>   grow,
> Are bright and sweet with plants divine, so here the
>   breeze blow
> Bring fourteen-thousand elephants, with trappings all
>   of gold,
> With drivers holding lance and hook: as many
>   horses be told.
> Such horses all of noble breed and very swift to go,
> Each ridden by a henchman bold, and holding sword
>   and bow.
> Let fourteen thousand chariots be yoked and well
>   arranged,
> Their wheels well-wrought of iron bands, and all with
>   gold inlaid,
> Let them prepare the banners there; the shields and
>   coats of mail,
> And bows withal, those men-of-war that strike and
>   do not fail.'

We get here a glimpse of the constituents of the army, the accoutrements of soldiers and of war-elephants and war-horses besides the weapons used in actual warfare. The *purohita* of the *Arthaśāstra* literature is present there. The function of the latter is as given in the *Kauṭalīya* to exhort the troops to fight with unabated strength and valour to the end.[1]

Besides the four-fold division of the army the fragments of Megasthanes throw welcome light on the existence of a separate department for navy and another for transport and commissariat. Megasthanes remarks: ' There is a third governing body which directs military affairs. This also consists of six divisions, with five

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[1] *Arthaśāstra*, Bk. x, ch. iii.

members to each.   One division is appointed to co-operate with the admiral of the fleet, another with the superintendent of the bullock-trains which are used for transporting engines of war, food for the soldiers, provender for the cattle, and other military requisites. They supply servants who beat the drum and others who carry gongs ; grooms also for the horses, and mechanics and their assistants.   To the sound of the gong they send foragers to bring in grass and by a system of rewards and punishments ensure the work being done with despatch and safety.   The third division has charge of the foot-soldiers, the fourth of the horses, the fifth of the war-chariots and the sixth of the elephants. There are royal stables for the horses and elephants and also a royal magazine for the arms, because the soldiers have to return their arms to the magazine, and his horse and elephant to the stables.   They use the elephants without bridles.   The chariots are drawn on the march by oxen, and the horses are led along by a halter that their legs may not be galled and inflamed nor their spirits damped by drawing chariots.   In addition to the charioteer there are two fighting men who sit in the chariot beside him.   The war-elephant carries four men —three who shoot arrows, and the driver.' [1]

From this it would appear that the Mauryan Govern-ment possessed an efficient fleet and had an elaborate naval department.   Kauṭalya seems to have taken this for granted when he mentions a special *nāvādhyakṣa*. There are some scholars who are of opinion that the *Kauṭalīyan* recommendations do not warrant the existence of a navy for purpose of war.   Among the various vessels are mentioned those which are bound for the

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[1] Frag. 34.

enemy's country (*amitraviṣayātigāḥ*). Surely vessels of merchandise would not be sent to an enemy's country, and Kauṭalya must have meant only war-ships from the use of this significant term. It may be that the superintendent of ships had the control both of naval enterprises and merchant ventures. Naval fight is again found in the *Manava-Dharma-Sāstra*.[1] Further the term *naukādhyakṣa* of the Pāla inscriptions shows how tradition is unanimous from the Mauryas to the Pālas. Naval fights are frequently referred to in the numerous Chola inscriptions of South India. Tamil literature contains innumerable references to the naval engagements actually entered into by the ancient Tamil kings.[2]

The unit of the army however was a *patti* which constituted one chariot, one elephant, three horses, and five footmen. Three *pattis* formed a *senāmukha*, three *senāmukhas* one *gulma*, three *gulmas* a *gaṇa*, three *gaṇas* one *vāhini*, three *vāhinis* one *pṛtana* three *pṛtanas* a *chamu*, three *chamus* formed one *anīkini*, and ten *anīkinis* formed one *akṣauhiṇi*. Thus an *akṣauhiṇi*[3] consisted of 21,870 chariots, 21,870 elephants, 65,610 horsemen, 109,350 foot-soldiers. We are told that in the battle of Kuruk-ṣetra as much as eleven *akṣauhiṇis* on the Kaurava side and seven *akṣauhiṇis* on the Pāṇḍava side fought with one another. That the units of the army corps

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[1] स्यन्दनाश्वैः समे युद्ध्येदनूपे नौद्विपैस्तथा ।

वृक्षगुल्मावृते चापैरसिचर्मायुधैः स्थले ॥ (Manu, vii. 192.)

[2] Author's article on 'The Art of War' in the *Annals of Bhāndarkar Institute*, vol. vii, pt. iv, p. 393; see also S.V. Venkatesvara's article on 'Sea Power in South Indian History' in the *Journal of the Mythic Society*, vol. i.

[3] *Vide* the *Jātakas*, vol. vi, Nos. 201, 303, for a definition of the term *akṣauhiṇi*.

were in no way a fixed number is evident from the *Mahābhārata*. We have here a calculation of numbers altogether different from the above.[1] In regard to this it is enough to say that the terms were used in the same sense though there were considerable alterations in the basis of classification of numbers of different arms composing a unit.

Sec. vi. THE MARCH OF THE ARMY

A conquering king must bide his time in commencing expeditions against his enemy country. Whenever the enemy is in trouble, providential, epidemic-stricken, or when his army and treasury are on the decline, or again when he has been deserted by his friends, the conqueror (*vijigīṣu*) might begin his attack. The general season recommended for march is autumn or spring.[2] Kauṭalya remarks that the season alone is not sufficient; the really more important thing is the resources. When an invading monarch feels that in point of resources he is strong while the enemy is not in prosperous circumstances he could begin his march.[3] This is in other words to act according to the *dēśa* (country), *kāla* (time) and *śakti* (resources). A practical statesman must have an eye to all these three in launching out an expedition. Then Kauṭalya compares the relative effects of marching against the enemy on

ving are the ⟨...⟩d seasons of the year.[4] The ⟨...⟩cribes prayer to gods seven days

iramitrodaya, pp. 331-40. ⟨m⟩arch. This is also seen in the ⟨...⟩letails of worship for different

pp. 351-95.) * S.T.R., v. 11. 55ff.

प्रतिविहितकर्तव्यभयां प्रकाशयत्स्वरूपेषात ॥

⟨s⟩ec. 3; cf. *Mbh., Santi Purvan, c.* 10-12.)

deities are given. It is said that the results of the expedition would be foreshadowed in the dreams which the king was generally believed to dream on the eve of his march. There is then a clear definition of what the signs of good and bad dreams are.[1] On the sixth day it is ordained that the monarch should take a victory-bath (जयस्नानं). The detail of this ceremonial is given from the *Lingapurāṇa*. The belief was that by that function the conquering king was sure to return with flying colours, after completely vanquishing the enemy.[2]

Again the usefulness of the different constituents of the army depends upon the nature of the land through which the army has to march and on which it has to fight. Generally three routes are taken by the army on the march : water, land and forests (जलस्थलवनदुर्गं मार्गे.) So different kinds of grounds are given for the respective forces. That ground which is devoid of thorns and contains small stones, trees and pits is the best for cavalry force. That which has big stones, trees and anthills is for the infantry; that which is even, hard, free from pits and other obstructions, dry, free from plants and bushes, sand, etc., is the one favourable for chariots, and that which is uneven, with hill and dale, and contains trees and plants, and of muddy is fit for the elephants corps.[3] s of the ing are the

[1] *Matsyapurāṇa* and the *Rāmāyaṇa* quoted या *Vīramitrodaya*, pp. 331–40.

[2] अपमृत्युजयार्थं तु सर्वशत्रुजयाय च ।
(Vide *Vīramitrodaya*, pp. 351–95.)

[3] अकर्दमामनुदकामसन्दिग्धामलोष्ट्राम् ।
अश्वभूमिं प्रशंसन्ति ये युद्धकुशला नाः ॥

uses to which the different limbs of the army corps were put[1] :—

'Concentration on occupied positions in camps and forests; holding the ropes (of beasts and other things) while crossing the rivers, or when the wind is blowing hard; destruction or protection of the commissariat and of troops arriving afresh; supervision of the discipline of the army, lengthening the line of the army; protecting the sides of the army; first attack; dispersion (of the enemies' army); trampling it down; defence; seizing; letting it out; causing the army to take a different direction; carrying the treasury and the princes; falling against the rear of the enemy; chasing the timid; pursuit; and concentration—these constitute the work of the horse.

'Marching in front; preparing roads, camping ground and path for bringing water; protecting the sides; firm, standing, fording and entering into water, while crossing pools of water, and ascending from them; forced entrance into impregnable places; setting fire, or quenching the

समानिरुदकाकाशारथभूमिः प्रशस्यते ।

नोचद्रुमा महाकक्षा स्रोदकाहस्तियोधिनाम् ॥

बहुदुर्गा महाकक्षा वेणुवेत्रतिरस्कृता ।

पदातीनां क्षमाभूमिः पर्वतोपवनानि च ॥

पदातिबहुलासेना दृढाभवति भारत ।

रथाश्वबहुलासेना सुदिनेषु प्रशस्यते ।

पदातिनागबहुलासेना सुदिनेषु प्रशस्यते ।

गुणानेतान्प्रसंख्याय देशकाली प्रयोजयेत् ॥

(*Sānti Parvan,* c. 21-5.

fire; the subjugation of one of the four constituents of the army; collecting the dispersed army; breaking a compact army; protection against dangers; trampling down the enemy's army; frightening and driving it; magnificence; seizing; abandoning; destruction of walls, gates and towers and carrying the treasury—these constitute the work of the elephants.

'Protection of the army; repelling the attack made by all the four constituents of the enemy's army; seizing and abandoning (positions) during the time of the battle; gathering a dispersed army; breaking the compact array of the enemy's army, frightening it; magnificence; and fearful noise; these constitute the work of the chariots.

'Always carrying weapons to all places; and fighting—these constitute the work of the infantry.'[1]

When the army was on the march, the different divisions of the four-fold forces were stationed on both sides, and in the centre rode the king, women, treasury and possibly other non-military officials such as guides, transport officers, *purohita* and others. At the head of the whole force marched the leader of the vanguard of troops surrounded by men of his own choice, perhaps the very flower of the army. The flanks of the army were again not left unprotected. Here were stationed the cavalry as well as the chariot followed by the elephant corps. Evidently the arrangement was strategic in character.[2] The *Rāmāyaṇa* affords a practical illustration of how the army of Rāma passed towards Laṅka,

[1] *Arthaśāstra*, Bk. x, Sec. 4, Trans.

[2] पुरस्तान्नायकः, मध्येकलत्रं स्वामी च, पार्श्वयोरथ बाहूत्सार:, चक्रा-
न्तेन हलिनः प्रसारवृद्विर्वा, सर्वतो वनानीव प्रसार: । खदेशादन्वायतिर्वि-
र्घ्यो जिलकर्माधार:, खभूमितो यायात् अभूमिष्ठानां हि खभूमिष्ठ

the enemy-country. The same work wherein are recorded the heroic deeds of epic heroes contains the nature of the enemy's halt on the eve of the building of the famous bridge through which Rāma led his forces to Laṅka. This is not the place to give details of either that march or the camping of Rāma's host.

From this it would appear that great care was bestowed on the choice of camping grounds which are very important as the strategic basis of all warfare. The *Mahābhārata* has sane reflections on the choice of ground for camps and the selection of the field of battle. The camp was erected quadrangular in shape with entrances on all the four sides, each protected by efficient troops and battlements. Separate divisions of the army were established in different places previously arranged. Each division of the army was lodged comfortably and attended to with special care. The king occupied a special apartment, and it is reasonable to believe that women and treasury were located with him.[1] Besides the defenders at the four entrances, there were army scouts stationed on the outskirts of the camp to keep a vigilant eye on the movements of the enemy, and communicate the same to the leaders of the army within the camp. In days of halt the enemy was sufficiently drilled in separate grounds, of course, within the camp, so that they might not grow inactive owing to the weariness of the march or any other cause. There was another division of the army that was also very active, and it was the commissariat and the supply department. The halt was the time for

पद्भ्यडप्रतिमा: भवन्ति । योजनमधमा:, अध्यर्धं मध्यमा: द्वियोजनमुत्तमा: संभाष्या चाचति: पश्चाल्बेनापतियोयात्, निविशेत पुरस्तात् ।

[1] *Sānti Parvan*, c. 43 ff.

the members of this department to replenish their stock of provisions for man and beast as they got exhausted in the course of the march.

On the subject of the choice of the battle-field the *Mahābhārata* gives it as the approved and accepted opinion of the military authorities that the region should not be miry or watery. The ground must be even and without stones and gravel, and it would be advantageous if it lay nearer the woods.[1] Again the regions containing trees and bushes are recommended as suitable for the operations of elephant corps and the infantry men. It is clear that belligerents did not choose the site for a battle indiscriminately, and the commander-in-chief had always an eye to its strategic importance. In the words of Kautalya it must be favourable to the invading monarch and unfavourable to the enemy. The ground was selected in such a manner as might be conducive to the success of the operations of the particular branch of the army that was to be employed thereon.[2]

Sec. vii. FIGHTING ARRANGEMENTS OF TROOPS IN BATTLE

The term *vyūha* is a significant one from the point of view of Hindu military literature. It simply means the battle-array. The detail as to its arrangement is found scattered in the *Dharmaśāstras, Arthaśāstras, Purāṇas* and the Epics. Manu, the law-giver, furnishes us with the following categorical list of *vyūhas: daṇḍa, śakaṭ*

[1] *Śānti Parvan,* c. 13.

[2] समा स्थिराभिकाशा निरस्खातिन्यचक्रवराऽनक्षमाहिण्यवृक्षगुल्मप्रत लत्सभकेदारवनवल्मीकसिकतामुद्भवपुरा दरणहीना च एवभूमिः ।
(*Arthaśāstra,* Bk. x, Sec. 4; cf. *Śānti Parvan,* c. 21-24.)

varāha, *makara*, *sūchi*, *garuḍa*, *pādma*, *vajrakāra*.[1]
Kauṭalya speaks of the four principal varieties: the
daṇḍa (staff), *bhoga* (snake), *maṇḍala* (circle), and
asaṁhata (detached). The arrangement of the force in
transverse sections is the *daṇḍa*-array. That which is
in one continuous line each force following the other is
the *bhoga*, in the form of a circle is the *maṇḍala*, and in
detached divisions is the *asaṁhata*.'[2]

Among these again a number of other varieties of
warlike array are distinguished, according to the pur-
pose they were intended to serve. *Pradara* (for break-
ing the enemy's array), *dṛdhaka* (firm), *asahya* (to be
irresistible), *śyenaha* (to fall eagle-like), were for
attack. The four for defence are called *chāpa* (bow),
chāpakukṣi (the centre of the bow), *pratiṣṭhaka* (solid
formation) and *apratiṣṭhaka* (loose formation). Other
varieties of *daṇḍa-vyūha* are the *sanjaya* (solid),
vijaya (loose), *sthūlakarṇa* (earlike), *viśālavijaya*
(divided), *chamūmukha* (front of the army), *jhashāsya*
'(face of the fish), *sūchi* (pinlike), *valaya* (circle), and
durjaya (invincible). The varieties of *bhoga* array are
śakaṭa (cart), *makara* (crocodile), and *vāripatantaka*
(like a waterfall). The varieties of the *maṇḍala* array
are *sarvatomukha* (facing all directions), *sarvatobhadra*
(circular), *aṣṭānīka* (the eight divisions), *vijaya*

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[1] *Viramitrōdaya*, p. 401, from *Viṣṇudharmottara* ; Manu, vii. 187-91.

[2] दण्डभोगमण्डलसंहताः प्रकृतिव्यूहाः ।

तत्र तिर्यग्वृत्तिर्दण्डः ।

समस्तानामन्वावृत्तिर्भोगः ।

सुतरां सर्वतोवृत्तिः मण्डलः ।

स्थितानां पृथगनेकवृत्तिरसंहतः । (*Arthaśastra*, Bk. x, Sec. 6.)

(loose).   The varieties again of the detached array are
vajra   (thunderbolt),   *godha*   (crocodile),   *udyānaka*
(garden), *kākapadi* (the foot of a crow), *ardhachandrika*
(half-moon), *karkāṭakaśṛingi* (the horns of a crab?).
These   are   further   classified   into   *ariṣṭa* (stable),
achala (immovable) and *apratiṣṭha* (movable).[1]   These
bear testimony to the fact that strategy was understood
and   developed   to   a   considerable   extent.   These
have been practically illustrated in the wars of the two
epics, the *Rāmāyaṇa* and the *Mahābhārata*.   A study of
these illustrations shows that a *vyūha* is commonly
divided into two parts, the two wings and the centre.
One or two parts of these was in action, while the others
served as the reserve to be used when necessary.   In
these *vyūhas* all the four forces were arranged in such a
way that they might offer at the same time a united
opposition or put forth a strong defence.   The formation
of these armys depended upon the skill of the commander-
in-chief who would read the situation carefully and fix
upon that array according to need.

Sec. viii.   KINDS OF WARFARE

In regard to actual wars three kinds are generally
distinguished.   These are open battle (प्रकाशयुद्ध), secret
battle (कूटयुद्ध) and silent battle (तूष्णींयुद्ध).   The character-
istics of the first are to fight in broad open daylight
and at the appointed locality ; of the second to threaten
in one direction and assault from the other, or destroy
the enemy when in trouble or by bribes ;   and of
the third to win over the leaders of the enemy by
intrigue and other means.[2]   The latter are also known

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[1] Agni, ccxxxvi. 28 ff. ; ccxlii. 38 ff.   [2] *Arthaśāstra*, Bk. vii, Sec. 6.

by the terms *mantrayuddha*, *vyāyāmayuddha*, and *śakaṭa yuddha*. The first is righteous warfare fought at the specified time and place. The minister, the *purohita*, astrologers and others urge the army to action by their inspiring appeal in the name of religion and country. The day before the battle the king fasts and prays to God to endow him with success. Soothsayers predict the auspicious time for the commencement of an engagement. In the field of battle where actual operations take place elephant-men fight with elephant-men, footmen with footmen, horsemen with horsemen, and chariots with chariots. This is seen in the war of the *Mahābhārata* and is also found mentioned in the Kalinga War described in the later Tamil work *Kalingattuparaṇi*. This was not a hard and fast rule. It may be that a particular force at a particular place may be deficient and at that time an elephant could be opposed by five horses or fifteen men and four horses. Three footmen are said to equal one cavalry soldier.[1] In the view of the *Kauṭalīya* that king who possesses a well disciplined force, who has removed the thorns in his path and who has secured a favourable position, and takes to fair fight,[2] is a veritable master of strategy.

The characteristics of a treacherous fight are to strike the enemy when confronted by other troubles, or when he is engaged with another enemy, or is otherwise in an unfavourable situation. The conquering king may buy off the traitors from the enemy's camp, pretend defeat so as to draw the enemy to a disadvantageous position and then strike the blow. He may attack him in front or from behind, by feint or strategem. He may

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[1] *Agni*, ccxlii. 38.
[2] *Arthaśāstra*, Bk. x, Sec. 3; cf. *Śānti Parvan*, c. 10 ff.

strike when the enemy troops are wearied from lack of sleep, or the scorching sun. He may even offer a night-battle with his elephant corps covered with cotton and leather bearings.[1] Other ways of secret warfare are also mentioned.

' By the display of the army, by secret contrivances, by fiery spies employed to strike the enemy engaged otherwise, by witchcraft, by proclaiming the conqueror's association with gods, by carts, by the ornaments of elephants ;

' By inciting traitors, by herds of cattle, by setting fire to the camp, by destroying the wings and the rear of the enemy's army, by sowing the seeds of dissension through the agency of men under the guise of servants ;

'By telling the enemy that his fort was burnt, stormed or that some one of his family, or an enemy or a wild chief rose in rebellion—by these and other means the conqueror should cause excitement to the enemy.

' The arrow shot by an archer may or may not kill a single man, but skilful contrivance devised by wise men' can kill even those who are in the womb.'[2]

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[1] Bk. x, Sec. 3.

[2] दण्डे रूपनिषद्योगैः तोक्षणैर्व्यासिक्तधातिमिः ।

मायाभिर्देवसंयोगैः शकटैर्हस्तिभूषणैः ॥

दूष्यप्रक्रोपैर्गोयूथैस्स्कन्धावारप्रदीपनैः ।

कोटीजघनघातैर्वा दूतव्यञ्जनभेदनैः ॥

दुर्गं दग्धं हृतं वा ते कोपः कुल्यः समुत्थितः ।

शत्रुराटविको वेति परस्योद्वेगमाचरेत् ॥

एकं हन्यान्न वा हन्यादिषुः क्षिप्तो धनुष्मता ।

प्राज्ञेन तु मतिः क्षिप्ता हन्याद्गर्भगतानपि ॥

(*Arthaśāstra*, Bk. x, Sec. 7, Trans.)

To these kinds of warfare Kautalya adds trench warfare (*khanaka*), fighting from heights (*ākāśayuddha*) and lastl

Sec. ix. ARMY OFFICERS

With our imperfect sources of knowledge we cannot positively assert the relative functions of the army officers especially in Vedic India. But it is reasonable to believe that the Vedic king led the host in person to the battle-field assisted by the *senāni*— possibly a general appointed by the king. The writer in the *Cambridge History of India* suggests that ' this officer might have been deputed to lead expeditions of too little importance to require his own intervention. There is another military official, the *grāmaṇi* who probably led in war a minor portion of the host. There was besides the *purohita* who accompanied the king to battle and seconded his efforts for victory by his prayers and spells.'[2]

In post-Vedic days the commander-in-chief (*pradhāna senāpati*) was the important officer of the army. Usually he was assisted by a council of war who advised him on all the military arrangements of a campaign or an engagement. That this war-council was a feature of the ancient Hindu administration is seen from the *Rāmāyaṇa*[3] where Rāvaṇa is said to have held a council on the eve of his battle with Rāma. The *Arthaśāstra* mentions the following duties of the commander-in-chief. He must be thoroughly versed in all kinds of tactical and strategical modes of warfare, skilful in handling weapons of war, and deciding action or inaction in the

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[1] Bk. vii, Sec. 10. [2] *C.H.I.*, vol. i, p. 95.
[3] *Yuddha Kāṇḍa*, vi. 16.

circumstances of the situation.   He must also study the advantage or otherwise of the ground, the time, and the strength of his force, sow seeds of dissension among the enemy's troops.   He should collect his own army engaged in different directions, order an advance or retreat and assail fortresses.[1]   He must look to the discipline of the army whether in camp, or on the march, or in the engagement.   Formed regiments (*vyūha*) were designated by the names of trumpets, boards, standards or flags.[2]

Kāmandaka, the disciple of Kauṭalya, gives a categorical list of the qualifications of a commander-in-chief. He should be one of a noble family, native of the land, versed in the rules of council, in the art and laws of war, possessing energy, heroism, valour and other higher qualities, one who has a number of kith and kin besides friends, who is actuated by generosity, amiableness and large-heartedness, who is a friend of all, who evokes respect by his character and learning, who is healthy, enduring, self-confident and has a commanding personality, who is expert in the use of four-fold forces, and is familar with the movement of informants and reconnoiterers, who is skilful and competent to manage the whole force, who can read the minds of others including those of animals, who knows the routes which

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[1] तदेवं सेनापतिःसर्वयुद्धप्रहरणविद्याविनीतो हस्त्यश्वरथचर्मांसंपृष्ट-श्चतुरङ्गस्य बलस्यानुष्ठानाधिष्ठानं विद्यात् । खभूमिं युद्धकालं प्रत्यनीकम-भिन्नभेदनं भिन्नसंधानं संहतभेदनं भिन्नवधं दुर्गवधं यात्राकालं च पश्येत् ।

(*Arthaśāstra*, Bk. ii, Sec. 33.)

[2] तूर्यध्वजपताकाभिर्व्यूहसंज्ञाः प्रकल्पयेत् ।

स्थाने याने प्रहरणे सैन्यानां विनये रतः ॥ (*Ibid.*)

he is to march through, who is not dismayed by the lack of food, or drink, or by inclement weather, who can sow dissensions among the enemy's army, who is capable of protecting his camp and is equal to the occasion, and who takes to work regardless of consequences but with full hopes of fruition of his labours.[1]

Whether the commander-in-chief was a permanent officer of the state is a question that arises from a careful reading of the *Udyogaparvan* of the *Mahābhārata*. We find here the meeting of the war-council of the Pāndavas where the commander-in-chief (*sarvasenāpati*) was elected and sectional leaders (*senāpraṇetraḥ*) one for each *akṣauhiṇī* of troops, were appointed. Drupada, Virāṭa, Dṛṣṭadyumna, Śikhaṇḍi Sātyaki, Chekitāna and Bhīmasena were the respective leaders of the seven *akṣauhiṇīs* of the Pāṇḍava host. Yudhiṣṭhira asks the counsel as to the choice of a competent *senāpati* from among the seven leaders equal to Bhīṣma on the other side.[2] A debate ensues and finally Dṛṣṭadyumna the Pāñchāla king was elected to be the chief leader of the entire host.[3] In the same way the Kauravas had Bhīṣma elected.[4] Kauṭalya says he is a permanent officer on a salary of forty-eight thousand *panas*. This only demonstrates that both methods of election and appointment continued to exist side by side.

Besides this chief officer each limb of the entire army was under the guidance of its respective leader. There were commandants of cavalry, infantry, chariots, and of elephants. The officer of horse classifies the horses in respect of age, breed, etc.; superintendent the stables, regulates their feeding, training and medical

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[1] Chap. xviii. 26–42 ; cp. *Udyoga Parvan*, clvi. 7 ff.
[2] *Udyoga Parvan*, cli. 3–8.   [3] *Ibid.*, ccvi. 11, 13,
[4] *Ibid.*, cxlv. 1 ff.

conveniences.[1] The superintendent of elephants controls
elephant-forests, captures the elephants, and trains
them.[2] The officer in charge of the chariots has to
attend to their construction, their equipment, and the
particular training of the chariot-fighters. The leader
of the infantry on the other hand should know the
strength or weakness of hereditary and other troops, and
must also be familiar with different modes of fighting
such as in trenches, or open battle-field, and meet
sudden surprises, or attacks from heights.[3]

The *Kauṭalīya* is not apparently definite in the use
of the term *senāpati*. In one place we are introduced
to an officer named *nāyaka* who is the leader of ten
senāpatis.[4] But in the civil list the salary of a *senāpati*
is fixed at 48,000 *panas* and that of the *nāyaka* 12,000
panas.[5] This shows that the *nāyaka* must be an officer
very inferior in rank to the *senāpati*. Kauṭalya is not
inconsistent, but probably uses the terms both in their
general and technical meanings. In the general sense
senāpati means a commander-in-chief and in the other
sense it means a commander.[6]

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[1] Bk. ii. Sec. 30. [2] Bk. ii, Secs. 31–32.

[3] स मौलभृतश्रेणिमित्रामित्राटवीबलानां सारफल्गुतां विद्यात् । निम्न-
स्थलप्रकाशकूटखननकाशादिवारात्रियुद्धव्यायामंच विद्यात् । आयोगमयोगं च
कर्मसु । (*Arthaśāstra*, Bk. ii, Sec. 33.)

[4] *Ibid.*, Bk. x, Sec. 7. [5] *Ibid.*, Bk. v, Sec. 3.

[6] अङ्गदशकस्यैकः पतिः पदिकः ; पदिकदशकस्यैकः सेनापतिः,
तद्दशकस्यैको नायक इति । Then the duties of the *nāyaka* are given.
The text according to Trivandrum edition is as follows :—

स तूर्यघोषध्वजपताकाभिः व्यूहाङ्गानां संज्ञाः स्थापयेद् अङ्गविभागे सङ्घाते
स्थाने गमने व्यावर्तने प्रहरणे च । The succeeding words समे व्यूहे begin a
separate sentence. In the Mysore edition this is taken as a continuation of

Other army officers may be mentioned. The *pattipāla* was the leader of five or six foot-soldiers while the *gaulmika* was the head of thirty footmen. The *pattipāla* and *gaulmika* are said to be officers who supervised the watchmen especially on night duty. The *śatānīka* was the leader of a hundred footmen. Another officer named the *anuśātika* is also mentioned as the head of a hundred foot-soldiers. Apparently this is a mistake. The *anuśātika* must be an officer leading a smaller number but following the commander of the hundred soldiers. An officer of 1,000 foot-soldiers is mentioned and is called the *sāhasṛika*, while the leader of 10,000 soldiers of the infantry is called the *āyudika*. Among the above-mentioned officers who are evidently infantry officers the *śatānīka* is also entrusted with the more important function of drilling soldiers in military exercises, both in the morning and in the evening. He is one who is proficient in different branches of the art of war. The leader of the cavalry and the elephant corps was known as the *nāyaka*. A *nāyaka* was generally the leader of twenty elephants or twenty horses. These officers were dressed in uniforms appropriate to their status in the army. There was a non-military officer, the *lekhaka*, besides others like the *purohita*. His function was to keep the accounts relating to the military department. He was in possession of facts and figures as to the number of soldiers in different ranks of the army, the emoluments drawn by each, the number as to discharged soldiers, and the places where

the previous sentence; but it makes no sense in the reading. His duties are then to array the different army constituents, to collect the scattered forces, to arrange for the halt, as well for the march, retreat after the battle, and to fix the engagement. Again he was to arrange these constitutents of the army by respective signs such as the trumpet sounds, flags and standards. (*Arthaśāstra*, Trivandrum edition, vol. iii, pp. 141-2.)

these latter were engaged.[1]   The fact that Sukrā-
chārya recommends nearly 50 per cent. of the total
annual expenditure of a state on the military establish-
ment[2]   shows that there must have been an elaborate
war-office by his time and the importance of such large
establishment has been well-recognized and realized by
the ancient Hindus.

What were then the causes that led to the outbreak
of wars in general in ancient India?   Cattle lifting
generally led to an expedition.   This finds illustrated in
the *Mahābhārata* where under instructions from Duryo-
dhana, the king of Trigarthas enters the city of Virāṭa
with the war music of *śankha*, *dundubhi*, and *bheri* and
drives away the kine.   Uttara and Bṛhannala (Arjuna in
disguise) offer fight and recover the cattle.[3]   That this
was also common in ancient South India is seen from
Porapporul Venbāmālai, a classic of Tamil literature.
The first chapter of the work treats of capturing of the
cattle of the enemy by soldiers wearing garlands of *veṭchi*.
This expedition is of two kinds, that undertaken under
the orders of the ruling chieftain and that undertaken
by themselves, i.e. unauthorized by the chief.[4]

Another occasion for war common to ancient North
and South India was the refusal of girls in marriage by
smaller states (குறும்புநாடு) for the conquering monarch.
This is evident from the fifth and sixth chapters of the
Tamil treatise.   The men of these small states adorn
themselves with garlands of *nocchi* and offer defence
from their fortress on all sides.   Here we also find
siege warfare as practised in ancient South India.
Again in the *Rāmāyaṇa* it is the forcible taking

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[1] Śukra, ii. 140-48.   [2] iv. 7. 24 ff.

[3] *Mbh.*, *Virāṭa Parvan*, ch. xxxii ff.

[4] வெள்ள தெறிதியும்,தன்ன தொறிதிஒன்—(*Veṭchipaḍalam*, chap. i).

away of Sītā, the wife of Rāma, that led to the great war between Rāvaṇa and Rāma, and the consequent defeat and death of the former.

Yet another occasion for war is political. When the kings of neighbouring states, dependent or independent become refractory and prove recalcitrant to the conquering monarch, the latter generally embarks on an expedition to reduce such chieftains and get possession of their kingdoms. The king rides on his chariot in an auspicious time fixed by astrologers and soothsayers. After the victory worship is offered in the temples and presents are given to the *śrotriyas* while the soldiers who contributed to the success are endowed with cultivable lands.[1] Neduṁśeliyan II embarked on war to repel the attacks of his neighbours who invaded his territory to conquer it.[2] The failure to pay tribute by vassal chieftains as in the case of the battle of Kalingam described in the *Kalingattuparani* was the basis of many a war that was fought in ancient India. Thus it is apparent that the aims of war and the causes which precipitated the conflagration were many and the ancient Indians of both North and South India showed themselves ready for the emergency.

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[1] *Porapporul Venbāmālai*, chap. iii.   [2] *Puram*, stanza 72.

CHAPTER VII

LOCAL ADMINISTRATION

Sec. i. VILLAGE AND VILLAGE OFFICIALS

India of to-day is in a state of transition to Responsible Government. The first instalments of Reforms have been inaugurated by the Act of 1919, and it would not be long before Provincial autonomy becomes an accomplished fact. Under these circumstances a detailed examination of what Local Government was in ancient India, would be not only interesting but also informing. The subject has received already considerable attention but has not had the fullness of treatment warranted by the material available and its actual importance deserved.

It is generally taken that in India the village or a *grāma* formed the unit of administration. But it is very difficult to lay down what then constituted a village. Baudhāyana and Gautama speak of a village as a place where righteous men throng. Baudhāyana says a righteous man shall seek to dwell in a village where fuel, water, fodder, sacred fuel, *kuśa* grass, and garlands are plentiful; access to this must be easy, and many rich people should dwell in it, it ought to abound in industrious people, and where Aryans (honest and honourable men) must form the majority. It should have a strong defence against robbers and other disturbers of peace.[1] Every

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[1] *S.B.E.*, vol. xiv, pp. 243–44; ii, 3. 6. 31; *S.B.E.*, vol ii, p. 223; ix. 65.

village was as Baudhāyana conceived it should be, and it continued to thrive and prosper undisturbed by the political or other vicissitudes. A village is reckoned by Kauṭalya as constituting 100 to 500 families. Each of them has well-defined boundaries and affords common defence against dangers, internal or external. The state could, if necessary, erect more villages in sites suited for the purpose. It should again undertake the repairs of old, decayed and dilapidated villages.[1] House sites of various measurements according to social position and the number of members in the family are to be provided for all classes both in towns and in villages.[2]

Before we proceed to examine the actual administration that obtained in a village it may be pointed out that local administration in general was carried on by dividing the local area into various political, or rather administrative, divisions so as to facilitate the smooth working of the administration of the state as a whole. The smallest administrative unit then was a village with a number of families pursuing hereditary professions and sometimes constituting guilds of their own. The next administrative division is a *sangrahaṇa* or a grouping of ten such villages. *Kharvāṭika* is the other division which comprised two hundred villages; whilst *droṇa-mukha* consisted of 400 villages and the *sthānīya* 800 villages.[3] The administrative divisions according to the *Mānava-Dharma-śāstra* slightly vary from the *Kauṭalīya*. Manu speaks of both smaller and larger groups. His divisions are a village, ten villages, twenty villages, one hundred villages and a thousand villages.[4] Between the unit of one hundred villages and that of a thousand there were three groups of two hundred, three hundred and five

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[1] *Arthaśāstra*, Bk. ii, Sec. 1.   [2] Śukra, v, ll. 87–89.
[3] *Arthaśāstra*, Bk. i, Sec. 1.   [4] Cf. *Śānti Parvan*, cxxxvii. 3–7.

hundred villages respectively.   Manu[1] calls these groups *gulmas*.

The *Viṣṇu saṃhita* throws some new light on the question of administrative divisions of the rural establishment.   Like Kauṭalya and Manu, the author of this *saṃhita* mentions a village, ten villages, one hundred villages and lastly adds *deśa* as an administrative unit.[2] This *deśa* may either refer to the group of a thousand villages, or a separate group called *deśa* may have been brought into existence for convenience of rural administration with a view to making it more efficient.   According to Sukrāchārya a *grāma* or a village is in area a *krośa*, and its yield is reckoned to be a thousand silver *karṣa*. Two territorial subdivisions to a *grāma* are mentioned —the *palli* and the *kumbha*.[3]   The area of the former is half what constitutes a *grāma*, whilst that of the *kumbha* is half of the *palli*, or one-fourth of the *grāma*.   Thus it is obvious that the *grāma* in ancient India had to conform to definite measurements.   Its area roughly comprised two square miles.   These *grāmas* have different *mārgas* or roads and streets—*padya*, *vīthi*, *mārga* and *rājamārga*.[4] The precision of character of these streets and roads is something striking.   The width of these is three, five, ten and fifteen cubits respectively.   The width of the *rāja*-

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[1] द्वयोत्रयाणां पंचानां मध्ये गुल्ममधिष्ठितम् ।

तथाग्रामशतानां च कुर्यावाष्ट्स्य संग्रहम् ॥

ग्रामस्याधिपतिं कुर्यात्दशग्रामपतिं तथा ।

विंशतोशं शतेशं च सहस्रपतिमेव च ॥ (vii. 114-15.)

[2] तत्र खस्वग्रामाधिपान् कुर्य्यात् । दशाध्यक्षान् । शताध्यक्षान् देशाध्यक्षांश्च । (Chap. iii. 5.)

[3] Śukra, i. 193.   [4] *Ibid.*, i. 251 ff.

mārga however ranged from fifteen to thirty cubits. There were resthouses (*śālas*) between these villages (*grāmas*), each under an official *śālādhipa* whose duty it was to afford protection to travellers during nights. Sukrāchārya also mentions the traditional territorial divisions of the rural area, the *grāma*, ten *grāmas*, one hundred *grāmas*, a thousand *grāmas* and ten thousand *grāmas*. In texts examined so far no mention was made of a territorial unit larger than that of one thousand *grāmas*. Sukrāchārya makes a special mention of a group of ten thousand *grāmas*.[1] These various divisions point to one fact clearly, namely, the existence of an organized local administration. The chief official in charge of these administrative divisions is invariably appointed by the Imperial Department under the *samāharta*, whose office answers to that of the modern member of finance.[2] These officials were graded in power, and were responsible to their immediate superiors. Thus the *gopa* was answerable to the official at the *sangrahaṇa*, the latter to the official at the *kharvāṭika*, and so on to the *sthānīya* who was answerable to the *samāharta* who was an imperial officer.[3]

The chief officer of a village unit was called the *gopa*, *gāmabhojaka* of the *Jātakas*.[4] Sāthavāhana Hala, the author of *Gāthā Saptaśati* call him *grāmaṇi*.[5] His jurisdiction extended to as many as five villages, and sometimes even ten villages. He seems to have been an official of the state. His position was something more than the village munsif (*maṇiyam*)

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[1] Śukra, i. 192.   [2] *Supra*, p. 201.
[3] *Arthaśāstra*, Bk. ii, Sec. 1.
[4] For details see *Kulāvaka Jātaka*, vol. i, No. 31 and *Kharassara Jātaka*, vol. i, No. 71.
[5] *Kāvyamālā* series 2, *Saptaśati* i. 30. 31, etc.

of the modern village in South India. Perhaps the functions combined both those of the *karaṇam* (accountant) and the munsif of the modern village. He was responsible to the government of the land rather than to the village assembly. He had onerous duties to perform. He was to set up and define the limits of villages. Trees, bushes, bridges, pools, streamlets, stones, rocks, and even anthills marked the limits of various fields and gardens.[1] Again it was his duty to fix up the boundaries of forests adjoining the village, roads, and other public and private lands and fields. It was further his earnest task to survey the land and classify it under various heads, such as the cultivated and the cultivable, waste and pasturage, wet and dry lands, etc. Yet another duty was the management of gardens, forests, altars, temples, irrigation works, cremation grounds, rest-houses, watersheds, pasturage, roads and streets connected with the village or villages under his supervision. It was also his duty to maintain separate records of the lands granted free, sold, and remitted of taxes. In addition to these, the census of the village was periodically taken and record was probably submitted to the head of the Department, in registers containing information of the number of houses occupied or vacant, the number of inhabitants in each with their name, caste, age, occupation and income, besides the number of domestic animals kept in each house. It would appear that most of these were taxable, and different kinds of taxes such as the house-tax and profession tax were levied and collected. The *gopa* or headman of the village further maintained the register of accounts wherein was noted the amount realized in the

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[1] Yājñavalkya, ii. 153; Manu, viii. 245-50.

shape of actual revenue, the amount of free labour utilized and other particulars concerning the toll-dues, road-cess and such other minor taxes. It was for him also to prevent troubles, internal or external arising in his territorial area. If he found himself unable to check it he could appeal to his immediate superiors.[1]

According to the *Śukranti-sāra*[2] the head of the village was invariably a member of the Brahman community. That he was not necessarily a Brahman is seen from a comparatively earlier work *Gāthā Saptaśati*.[3] There is inscriptional evidence to show that this office of the village headman became generally hereditary, whatever it might have been in earlier times.[4] He had a clerk. The lord of punishment (*sāhasa*) was a Kṣatriya. Two tax-collectors are mentioned, one of them a Kṣatriya, and the other a Vaiśya. The sentinel was of the Śūdra caste. There is then a description of rural policing. The *śāladhipati* already mentioned was responsible for the safety, and for any loss that occurred within his limits to travellers and strangers from neighbouring villages. He was to note down their respective names, caste, village, and the destination to which they were bound. It was a peculiar custom that these travellers were sent the next morning with safety up to the boundary limits of the *śāladhipati*. If once the traveller was off the boundary line he came

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[1] ग्रामदोषाणां ग्रामाध्यक्षः परिहारं कुर्य्यात् ।

अशक्तो दशग्रामाध्यक्षाय निवेदयेत् ।

सोऽप्यशक्तः शताध्यक्षाय । सोऽप्यशक्तो देशाध्यक्षाय ।

देशाध्यक्षोऽपि सर्वात्मना दोषमुच्छिन्द्यात् ।

Arthaśāstra, Bk. iii, Sec. 10 ; Bk. iv, Sec. 13 ; cf. Viṣṇu, iii. 6-8.

[2] Śukra, ii. 121-2.

[3] vi. 100. This work is generally attributed to first century A.D.

[4] See Mathura Inscriptions No. xi ; *Ep. Ind.*, vol. i, pp. 387-8.

into the custody of that village through which he next travelled. This policing was effective in two respects. It ensured safety of life and property to any way-farer, and facilitated the method of detecting the suspicious, the criminal and other like pests of the high-way. There were again *dvāras* or outposts where sentinels were stationed, perhaps to raise a hue and cry in the face of an impending danger. Another feature of the village administration was the system of night watchmen in each and every village. The establishment charges for these watchmen were to be met locally, taxes being raised from the villagers for these set purposes.[1]

The next important officials in the rural areas were those in charge of *sangrahaṇas*, *kharvāṭikas*, *dronamukhas* and *sthānīkas*.[2] Each of these was responsible for that portion of the country entrusted to him. The functions and rights of these officials excepting that of *sthānīya* have not been given, and it is reasonable to suppose that they had supervising control on officers lower in rank to them. Apparently the *sangrahaṇa*-officer was to keep the *gopa* in discipline, and look after villages which were under his control. The *sthānīya* was the officer in charge of the *sthānika* or a group of eight hundred villages. He was answerable to the finance minister or the *samāharta*. He figures as the greatest official of the rural administration. He exercised his sway over the whole range of the rural area. Besides directly dealing with his subordinates he sent out special Intelligence officers who were to go on circuit round the country in disguise especially those of householders,—so that no one could easily identify them,—and thus secretly learn the causes of emigration from and

[1] Śukra, i. 405 ff.
[2] *Arthaśāstra*, Bk. ii, Sec. 1 ; Bk. iii, Sec. 1.

immigration into the several villages, the names of various undesirables and the ill-reputed, and the conduct of the minor government officials established in villages. In the guise of merchants again these commissioners could make themselves acquainted with the output of minerals, produce from forests and gardens, the amount of dues collected at the toll-gate, roads, ferry-places, stores, and warehouses. Further commissioners in the guise of thieves were let loose to hunt after the band of robbers and marauders in ruined and desolate places as well as in thickly crowded ones. It was further their duty to detect theft and take the culprit before the proper authorities for the award of punishment.[1]

The following is the categorical list of crimes and criminals which these commissioners were expected to detect. These include corruption, extortion, false witness, counterfeiting coins, violation of women's chastity, practice of witchcraft, quack medical practitioners, making of poisonous drugs, dishonest blacksmiths, illconducted coppersmiths, and profligate goldsmiths.[2] To this list of Kauṭalya, Manu adds cheats, false astrologers, palmists, inefficient elephant trainers, experts in traffic in women, non-āryans passing themselves as āryans.[3] These Manu characterizes as open

[1] *Arthaśāstra*, Bk. iv, Sec. 13; also Bk. ii, Sec. 35.
[2] *Ibid.*, Bk. iii, Sec. 10.
[3] उत्कोचकाश्चोपधिका वञ्चकाः कितवास्तथा ।

मङ्गलादेशवृत्ताश्च भद्राश्चक्षणिकैः सह ॥

असम्यक्कारिणश्चैव महामात्राश्चिकित्सकाः ।

शिल्पोपचारयुक्ताश्च निपुणाः पण्ययोषितः ॥

एवमादीन् विजानीयात्प्रकाशान् लोककण्टकान् ।

निगूढचारिणश्चान्यानननायीनार्यलिङ्गिनः ॥

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thieves, and recommends special Intelligence officers to effect their arrest.

Robbers caught in the act are to be exhibited in the public so as to bring shame and censure on them. Corrupt officials are excommunicated and their goods confiscated.[1] This humiliation in public had its own effect. It tended to lessen the number of men of criminal tendencies and thus ensure the safety of life and property in the village. By such necessary precautions the Central Government assured the uninterrupted development of the villages.

तान् विदित्वा सुचरितैः गूढैस्तत्कर्मकारिभिः ।

चारैः स्थानेकसंस्थानैः प्रोत्साद्य वशमानयेत् ॥ Manu, ix. 258-61.

Vide Kullūkabhaṭṭa's commentary on the above.

उत्कोचका ये कार्यिभ्यो धनं गृहीत्वा कार्यं अयुक्तं कुर्वन्ति ।

औपधिकः भयदर्शनाद्ये धनमुपजीवन्ति ।

वञ्चकाः ये सुवर्णादिद्रव्यं गृहीत्वा परद्रव्यप्रक्षेपेण वञ्चयन्ति ।

कितवा द्यूतसमाङ्गयदेविनः ।

मङ्गलादेशवृत्ताः धनप्तलाभादिमङ्गलमादिश्य ये वर्तन्ते ते ।

भद्राः कल्याणाकारप्रच्छन्नपापा ये धनग्राहिणः ईक्षणिका हस्तरे- खाद्यवलोकनेन शुभाशुभफलकथनजीविनः ।

असम्यक्कारिणः महामात्राः हितशिक्षाजीविनः । असम्यक्कारिणः चिकित्सकाः चिकित्सजीविनः । शिल्पोपचारयुक्ताः चित्रलेखाद्युपायजीविनः तेऽप्यनुपजीव्यमानशिल्पोपाय प्रोत्साहनेन धनं गृह्णन्ति । निपुणाः पण्ययो- षितः पण्यस्त्रियथ परवशीकरण कुशलाः ।

[1] ये कार्यिकेभ्योऽर्थमेव गृह्णीयुः पापचेतसः ।

तेषां सर्वस्वमादाय राजा कुर्व्यात्प्रवासनम् ॥ (Manu, vii. 124.)

The *Sukranīti* gives a new designation for the rural officials.[1] The officer of ten *grāmas* is called the *nāyaka*. The officer of above ten *grāmas* and below one hundred is called *hīnasāmanta*. The officer of one hundred *grāmas* is a *sāmanta*. The officer of above one hundred and below a thousand is *nirsāmanta*, and the officer of a thousand *grāmas* is known as *aśvapālasvarāt*. These officers were paid for their services to the state. The *grāmika* was provided with his daily means of subsistence by the villagers. The headman of ten villages is entitled to a *kula* measure of land, whilst that of twenty villages five *kulas*. The officer-in-charge of one hundred villages enjoyed a whole village and of a thousand villages a whole city.[2]

As the highest official in the rural area the latter had the privilege of living in the capital city and his pay was in cash or kind, according as he desired.[3]

It would thus appear that the services were highly remunerative. In addition to this, these offices carried dignity with them. Even the master of the village was a horseman and the master of ten villages held a position equal to that of the commander of one hundred troops. He also travelled on horseback followed by some attendants. The lord of hundred villages occupied a position only equal to that of a commander of a thousand soldiers, and had the privilege of travelling in a chariot drawn by a horse with ten armed attendants. Vehicles drawn by two horses were used by the head of a thousand villages, while the lord of ten thousand rode in a carriage-and-four.[4]

There are some other regulations which may be mentioned in passing. The first is that if a theft could not

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[1] Śukra, i. 190 ff.
[3] *Śānti Parvan*, lxxxvii. 10.
[2] Manu, vii. 118-19.
[4] Śukra, v. 81-84.

be found out it is for the officer to make good the loss. The officials themselves along with their servants lived on the outskirts of the village. Again it is ordained that no soldiers were to enter the villages, nor any of the villagers to enter into any kind of transaction with them.[1] These regulations show that the state did not want to disturb in the least the simple and peaceful life' of the villagers. Yet another regulation was the exemption granted to certain classes of people from paying the taxes (*śulka*) such as the *śrotriya*, women of all castes, minors, students, ascetics, Sūdras in menial service, the blind, the dumb, the deaf and the diseased so long as their infirmities lasted.[2] Only pure and honest men were employed as officials and their subordinates in service.

Inference then is obvious that these various political divisions were self-contained groups answerable to the Central Government so far as the finance side was' concerned. Towards this end there were a number of officials appointed by the state to collect taxes and revenues due to the Central Government, which in return offered a general protection against common dangers. These state officials did not interfere in any way with the internal affairs of the land save the collection of revenues. And it is also to be noticed that both towns and villages enjoyed local self-government to the full.

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[1] ग्रामाद्बहिर्वसेयुस्ते येये त्वधिकृता नृपैः ।

नृपकार्यंविना कश्चित् न ग्रामं सैनिकोविशेत् ॥

तथान पोडयेत्कुत्र कदापि ग्रामवासिनः ।

सैनिकैर्नैव्यवहरेन्निलयं ग्राम्यजनोऽपि च ॥

(Śukra, v. 90-91.)

[2] *S.B.E.*, vol ii, pp. 161-62.

From *Āpastamba*[1] it is obvious that this levy of the central state was not on individuals but on the whole village.

The Department of Local Self-government also took keen interest in the administration of justice, the development of arts and commerce and other like things. These were carried on locally by individuals or committees appointed by the village, or more appropriately by the village assembly.   Generally it is the committee of the elders of the village or of the neighbourhood that administered justice in rural parts. According to Yājñavalkya the committee was to consist of at least forty persons. The sale of sites for house-building, the settlement of disputes arising from similar transactions, were to be effected as follows :—

The members of the committee for administration meet together and decide first the accuracy of measurements.   The sales are effected publicly and if possible by auction, the highest bidder getting it. • Though the *gopa* fixes the boundary limits, disputes arising from them are settled by this committee on the strength of evidence furnished especially by cultivators and cowherds.   Any undue encroachment was severely dealt with.[2]   Again if this committee could not arrive at a

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[1] *Praśna* xi, *Paṭala* 10, *Kāṇḍa* 26.

[2] सीम्नो विवादे क्षेत्रस्य सामन्ताः स्थविरादयः ।

गोपाः सीमाकृषाणा ये सर्वे च वनगोचराः ॥

नयेयुरेते सीमानं स्थलाङ्गारस्तुषद्रुमैः ।

सेतुवल्मीकनिम्नास्थिचैत्याद्येःपलक्षिताम् ॥

सामन्ता वा समाग्रामा श्चत्वारोऽष्टौ दशापि वा ।

रक्तस्रग्वसनाः सीमां नयेयुः क्षितिधारिणः ॥

(Yājñavalkya, ii. 150-2 ; Manu, viii. 258 ; Nārada. ii. 2.)

unanimous decision, and opinion became divided, the whole question was referred to what is now called an Arbitration Board, constituted by men of sterling character and worth, whose words were final. In the meantime the disputants themselves might strike at some compromise and withdraw the case. Otherwise what the Board ruled should be accepted. If the Board found on sufficient grounds that both parties unjustly claimed a piece of land, then that strip of land was declared ' public property '. The same was applicable for disputes concerning forests, pasture grounds, roads, cremation grounds, temples, and other charitable institutions.[1] According to the *Kauṭalīya* this committee of the elders of the village was to look after the property of orphans, minors, and temples.[2]

The committee of justice could be identified with the *pariṣad* of Parāśara. Parāśara defines[3] a true *pariṣad* as an assembly of the learned. It is to consist of three to five members generally. Even heinous and atrocious crimes like that of killing a cow were punished by it. But this does not warrant a conclusion that this committee exercised unlimited powers. For there is evidence to show that it had its own limitations. The committee could order, for example, the performance of expiatory ceremonies only after the sanction of the king has been previously obtained.[4]

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[1] Nārada. xi. 12.   [2] *Arthaśāstra*, Bk. ii, Sec. 1.

[3] अनाहिताग्नयो येऽन्ये वेदवेदाङ्गपारगाः ।

पञ्चत्रयोवा धर्मज्ञाः परिषत्सा प्रकीर्तिता ॥   (viii. 19 ff.)

[4] राज्ञाश्चानुमते चैव प्रायश्चित्तं द्विजो वदेत् ।

खयमेव न वक्तव्यो प्रायश्चित्तस्य निष्कृतिः ॥ (*Ibid.*, 35.)

There were also separate committees to look after the general affairs of the village as well as its particular affairs like the excavation of tanks and wells and watching them from being abused. There were committees in charge of gardens, forests, bridges, irrigation, drainage, roads, etc. These were then the smaller group organizations, the members of which were actuated by commonness of ideals.) Their decision was often unanimous. And if it were not arrived at, it was left to the more matured and more experienced heads to decide. These were the elders of the village who frequently formed themselves into an arbitration board. These various committees were animated by a healthy spirit of co-operation and worked in unison. Co-operative enterprises and co-operative efforts in various fields of activity are mentioned in the several pages of *Arthaśāstra*. It is the principle of common-will for common good that underlies these various institutions. Kauṭalya recommends co-operation even for theatrical entertainments, public shows and exhibitions, not to speak of sacred sacrifices. Everybody was expected to contribute his mite towards the common object, and he who failed to do so, but at the same time enjoyed the benefit of the function, was entitled to the penalty of a fine.[1] Manu applies the same principles to caste, family and assembly.[2] To-day the

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[1] *Arthaśāstra*, Bk. iii, Sec. 10.

[2] अथ ऊर्ध्वं प्रवक्ष्यामि धर्मं समयभेदिनाम् ।

यो ग्रामदेशसङ्घानां कृत्वासत्येन संविदम् ॥

विसंवदेन्नरोलोभात्तं राष्ट्राद्विप्रवासयेत् ॥

निगृह्य दापयेच्चैनं समयव्यभिचारिणम् ।

चतः सुवर्णान्षण्निष्कांश्छतमानं च राजतम् ॥

failure of democracy as an ideal and as a form of government is writ large. Viscount Bryce has proved by facts and figures the shortcomings of modern democracies. This discontent with the existing methods of democratic government has given rise to a volume of political literature among which may be mentioned the *New State* by the talented writer and thinker M. P. Follett with an illuminating introduction by the late much lamented Lord Haldane. This book[1] examines the weak spots in modern democratic organizations, and suggests group associations and voluntary neighbourhood associations as the remedy. In Great Britain, United States of America and even other countries a beginning has been made in this direction, by a process of devolution and wider distribution of powers by the state. To-day local government unlike in ancient India is practically and wholly a creature of the Central Government. This is one reason why modern local government is such a poor effort.

In ancient India, however, the Central Government was raised on the bed-rock of local institutions, self-governing in every respect, and forming ready adjuncts or even organs of government. The relation of the Central Government to these small states was guidance by supervision and not by direct effective control. (Local institutions were, in other words, treated as efficient auxiliaries to the Central Government, and rarely was any opposition raised to it.) These organized local institutions constituted by the community for furthering

एतद्दण्डविधिंकुर्य्याद्धार्मिकः पृथिवीपतिः ।

प्रामजातिसमूहेषु समयव्यभिचारिणाम् ॥ (Manu, viii. 218-21.)

[1] *The New State*, by M. P. Follett (third impression), 1920 (Longmans Green & Co., Ltd.)

the various interests touching the village or the city were of the nature of a working democracy wherein there was an equitable and complete representation of various interests. These organizations were largely socialistic in character and thus embodied pure democratic ideals. Not only was this true of the domain of politics but also in the province of industry and commerce. Dr. A. Coomaraswami says:[1] Each caste or trade possessed an organization largely socialistic in character embodying democratic and communistic ideas. It may well be doubted whether the true hope for Indian industry does not lie in some such developments of the caste system itself, in the village and home industries of the caste, aided by such improvements as are needed (e.g., the fly-shuttle or the distribution of electric power).' This is largely true of development in other fields of public activity also. If progress were to be real, India must advance on lines congenial to her culture and environment.

Sec. ii. COMMUNAL INSTITUTIONS

It would be interesting to examine in detail some aspects of such group organizations. In our political advancement no effort should be spared to revive and revivify ancient village communities. The opening of *panchayat* courts in several villages is a step in the right direction. Villages were and are still the real centres of local autonomy. Mr. Anderson quotes Mountstuart Elphinstone thus: ' In whatever point of view we examine the native government in the Deccan, the first and most important feature is the division into villages and townships. These communities contain

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[1] *Essays in National Idealism*, p. 169 (G. A. Natesan & Co., Madras).

in miniature all the materials of a state within themselves, and are almost sufficient to protect their members, if all other governments were withdrawn.'[1]

This feature of local self-government representing a distinct type in itself was a noteworthy feature of ancient Indian administration.   There were multifarious institutions and types of government among which we can strike upon two common types.   One is communal and the other is territorial.   In modern parlance the first is what we call occupational groups and the second the neighbourhood groups.   The basis on which these two types of political institutions proceed seems to be through a bond of kinship or ties of blood.   This kind of political grouping has been a natural outcome of the conditions then existing.   The principle of association was a bond of mutual help and mutual defence.   This in course of time became the unit on which political democracy began to rest.[2]   Under this group of kinship we are led into two peculiar institutions at once economic and communal in character.   The first is the joint-family and the second various caste *panchayats* which are in substance professional groups.   Though an examination of the institution of the joint-family does not directly lie in the province of our survey, still a mention may be made.   The word occurs in our extant texts and is explained as *kuṭumbi* or a joint family[3]

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[1] G. Anderson, *British Administration in India*, p. 48 (Macmillans, 1917).

[2] The bond of a caste is occupation, of a tribe kinship, and of a village locality. (John Matthai, *Village Government in British India*, p. 196.)

[3]
मातापित्राश्रुषे पुत्रौ पुत्रो पन्नयतिथिः स्वयं ।
दशसङ्ग्रयः कुटुम्बोति विष्णुनोक्तं द्विजोत्तम ॥

This is quoted by Govindarāja in commenting on *verse* 7, chap. vi. 1 of the *Rāmāyaṇa*.

constituting the mother, father, two sons and two daughters-in-law, daughter, wife, guest, and the master of the household. These constitutent members form a joint-family.[1] Professor Jolly takes the view that the position of a son under the Indian law was that of an unemanci-pated son under the earliest Roman law, while the position of a mother or a father was that of the Roman mother or father under *the patria potestas*. From the verse it is reasonable to believe that the institution was in existence in the days of the *Rāmāyaṇa* as later under the epoch of the *Mahābhārata*. In the *Rāmāyaṇa* there are no texts that go to prove the existence of single families. The sons of Daśaratha lived in a joint-family. Vāli and his brother Sugrīva lived together. Rāvaṇa and his brothers lived together. The same ideal pervades the epic heroes of the *Mahābhārata*. The Pāṇḍavās lived together while Duryodhana and with his one hundred brothers constituted a single family none the less. The *Mahābhārata* which is reckoned a later work than the *Rāmāyaṇa*, which is according to tradition the *ādi kāvya*, there are passages where signs of revolt among the several members of a family are not wanting. Though sons have not divided with their fathers, still a younger brother demands a partition of the joint-property of the family when the elder admonishes the younger, and it is remarked, 'it is through folly men desire partition; but this creates a loop-hole, and weakens one before his enemies.' Thus the institution was a safeguard for men of weaker temperaments against many adverse forces in a society not fully settled. The outstanding features of the institution have been and are—there are still survivals found scattered here and there despite the

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[1] For more particulars *vide* Jolly, *Tagore Law Lectures*, 1883; Lecture iv, and especially pp. 81–87.

growing spirit of freedom of thought and assertion of individual right—the sharing of the common resources of the family either in its adversity or prosperity.[1]

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[1] This raises the question of the institution of property. The joint-family becoming the basis on which Hindu society rested, it follows that corporate property is the rule and absolute unrestricted ownership the exception. In the words of P. N. Banerjea every member of the family was entitled, in principle, to the use of the family property held in common. But it was not a right equally shared by all. The head alone had the control of it and all the others were in a position of subordination to him in point of right. This practice still holds good among the Numbudris of Malabar. Latterly a transformation has come over the whole system. The Hindu law has been modified according to the changing conditions of the time. There are two schools of law—the Mitakshara School, A.D. 1060 and the Dāyabāga, A.D. 1400. The first prevails outside Bengal and the latter within. Under the first the head of the family continues to be the sole authority to dispose of the property though limitations are placed upon his rights. He could utilize it only in the interests of the family, or in the face of any legal necessity incidental to the property. But regular partition of the property is permissible at any time. It is an equitable and elastic system in the sense that the sons get an equal share with the father in the case of hereditary immovable property; and a son or any legal heir could claim partition against the will of the head of the family. Thus the institution of private property is clearly recognized under the Mītakshara law.

On the other hand the Dāyabhāga treatises rule that the head of the family is the absolute owner of all common property which he could use or enjoy according to his will and pleasure. Under this law the son is not entitled to enforce the right of partition in the life-time of the head of the family; but the brothers and other members could utilize their shares as they pleased even though the property remains undivided. These rules are fast on the plane of decline. We have only remnants of this institution which served several important purposes centuries before efficiently. In a growing state of society in a comparatively early stage, there was no risk of unemployment nor of pressure on the means of subsistence; poor relief, insurance against risks, old age pensions, and other like questions are incidental only to the modern state. The *Kauṭalīya* also advocates this institution. It ordains that it is the duty of every member of the family to maintain his children, wife, parents, minor brothers, unmarried or widowed sisters. Every *gṛhasta* could not take up the robes of asceticism before adequately providing for all the members of his family. If not, he was liable to punishment by the state. Thus the state in ancient India saved itself from many new responsibilities by enforcing the responsibilities of its citizens. Kauṭalya, a statesman of moral ideas, is not for maintaining those fallen away from the path of *dharma* (*patitās*) : but he would make an exception in the case of the mother. Though a *patita* she must be protected. (*Artha-*

The next important feature of the Hindu village economy was the caste *panchayat*. The expression *panchayat* is a misnomer. It has nothing to do with the numerical connotation of five. It may be that this council sometimes consisted of only five members. But it was by no means a rigidly fixed number. Dr. Matthai is right when he says [1] that it refers either to the general meeting of all the members of the caste or community, or a select body of men chosen by that caste or community. By a caste *panchayat* is meant nothing more or nothing less than the association of men of one and the same profession or occupation. Here questions affecting the particular castes or professions are discussed, and solutions are found to remedy the defects or errors that have crept into their organizations. Besides the four-fold division which is regarded as an economic division of labour, there

śāstra, Bk. ii, 1.) Kauṭalya is an originator presumably of the Dāyabhāga school. He says when parents are alive the sons are not entitled to a partition. Self-acquired property is not divisible and what is divisible is the ancestral property. If a man has no son his brothers and other collaterals are the heirs, and in their absence the property goes to the daughters. The division of property can only be done when all the sons come of age. If it were done otherwise, the minors are not liable to the discharge of the family debts. If it be the opinion of any, that proper justice had not been done in the partition, there is the right of re-division. These points agree quite well with the rulings of Yājñavalkya, ii. 117–76. Outcastes and their sons, eunuchs, lunatics, lepers and the blind are not entitled to any share; but still they must be given sufficient for their food and clothing. (Cf. Yājñavalkya, ii. 140 and Manu, ix. 202.) In the opinion of the author of the *Arthaśāstra* the elder sons should show some consideration towards younger ones though the eldest is entitled to an additional share. Daughters have no claim to the property though women are entitled to possess their own private property which is their dowry and jewellery. A woman could not, however, spend it when her husband was living, under certain exceptions. If she should die leaving no issues her property was returned to her relatives. Treason, transgression of law, elopement and other misbehaviour would deprive a woman of her property. According to Kātyāyana partition is certainly allowed. It was to be effected not by any hard and rule but by the laws and usages prevalent in the country, caste or

[1] *Village Government in British India*, p. 18.

are numerous sub-castes which had evolved in the course of ages according to the changing conditions of the land. When life became more and more complex necessity drove people to organize themselves in groups. Occupation was the outstanding reason for the multiplicity of groups. Those who have adhered to the self-same profession organized themselves upon vital modes of association, and progress in economic sense necessitated more wants which created a wider range and variety in occupational callings. Besides religion was at work. India is the land of various religious faiths, and the followers of a definite faith formed themselves into a group. Geographical conditions aggravated the tendency in this direction. This is particularly seen in ancient Drāviḍa where there were regional groups or divisions.

Region	Tribes
1. *Neytal* (maritime)	*paravas, nuḷayas* and *valaiyas.*
2. *Marutam* (fertile)	*mallar (pallar)* and *kaḍaigñar.*
3. *Mullai* (pasture)	*iḍaiyar* and *toduvar.*
4. *Pālai* (desert)	*maravar* and *eiyanar.*
5. *Kuriñji* (hill)	*kuravar, iruḷar, śavarar, veḍar* and *villiyar.*

In these regions the tribes mentioned above predominated, though other classes of people also lived. It may be pointed out that the Tamil grammarians[1] and lexicographers classify the soil as five divisions, *tiṇais*: *neytal, marutam, mullai, pālai,* and *kuriñji*. This regional classification appears to have been the original basis of division among peoples in South India, but with the

away from the ... in the case of the *piam, Poruḷ, sūtra* 20 and especially the commentary of ... thereon.

spread of Sanskrit culture, these various types became distinct occupational groups or castes, each ministering to the needs of the whole community. It may be that the regional classification added force to the occupational groups which grew with the progress of the society and constituted a separate class of professional men.

The occupational groups afford an interesting study not only for the antiquarian but also for the politician. If economic democracy were to be realized as a factor, we must endeavour to revive and revivify the old but stable methods and institutions. That a number of occupational guilds existed in ancient South India is evident from Tamil literature and from numerous inscriptions.[1] A categorical list of these groups would not be out of place here: oilmen (*vāṇiyaṉ*), washerman (*vaṇṇāṉ*), barber (*ambaṭṭaṉ*), potter (*kuśavaṉ*), weavers carpenters, copper-smiths, gold-smiths, cultivators (*uḷavaṉ*). These find a distinct place in the social economy of the village. Further the inscriptions of Rājarāja Chola (A.D. 985 to 1013) throw more light on the existence of these groups : astrologer (*kaṇi*), accountant (*kāvidi*), temple musician (*mārāyaṉ*), temple official to recite *tēvaram* (*piḍāraṉ*), temple actor (*śākki*), dyer (*vaṇṇattāṉ*), temple overseer (*vāriyaṉ*), temple dancer (*vēlāṉ*), barber (*ambaṭṭaṉ*), bard (*pāṇaṉ*), workmen (*paṇikkaṉ*), toddy-drawers (*īzhavaṉ*) or the modern *shāṇāṉ* of the Tamil country. Most of these occupational groups are still found in Malabar though in the Tamil districts new names have been given for some of these occupations. Other occupational castes mentioned are *nāvidaṉ*, *śekkaṉ*, *śākkai*, *uvaichaṉ*, (village school master), *vaḷḷuvaṉ*, etc.

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[1] *S.I.I.*, vol. ii, part iii, Inscription No. 606 of Rājarāja and others.

Of these various professional groups the five repre-
sented by the five principal artisans, potters, weavers,
carpenters and goldsmiths always enjoyed a high social
position ; for their services were always requisitioned by
the higher castes for ceremonial or communal purposes.
To the above-mentioned the *Perumpāṇār̤ uppaḍai*, a
Tamil work roughly of the third century A.D., adds
fishermen (*valaiyar*), traders and merchants (*vāṇikar*),
cultivating labourers (*ul̤avar*).   To these Māngudi kil̤ār
adds[1] four more occupational castes–*tuḍiyan* (a   player
on *tuḍi* (a variety of the drum) ; *pāṇan* or bard; *paraiyan*
or drummer ; *kaḍamban* or an agriculturist.   These
are identified with the aboriginal tribes of ancient
Drāviḍa.   The *paraiyan* caste seems to have been later
on sub-divided into a number of occupational groups.
The census report of 1891 mentions that there are in the
schedules 348 sub-divisions of paraiyans pursuing different
callings such as priests, field labourers, cattlebreeders,
traders, weavers, teachers, archers, etc.[2]   Thus the
so-called depressed classes of to-day have had their
important position in the village economy of ancient
India. They had functions of importance and supplied
the village with all its primary and secondary needs.

That the division of the people into occupational,
functional, or professional castes is not peculiar to
Drāviḍa seems capable of proof. It is seen from the
Ri̤g Veda Samhita that a number of such castes are
mentioned.   The four-fold division of the people in it-
self is one according to profession.   The Brahmans
are essentially teachers, and their advice was often

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[1] "கடுவன் பாணன் பணருள் கட்டுெனன்
    நீசரவந்தழ இடியுள்ளை." (*Puram* 335.)

[2] *Census of India*, 1891, vol. xiii, Madras ; *The Report on the Census*, by
H. A. Stuart, pp. 244 ff.

sought on account of their learning.   Kṣatriyas were to do all the fighting for the country and protect the land. The Vaiśyas were engaged in agriculture, trade and commerce, while the Sūdras rendered communal service by cattle rearing and similar professions of communal benefit.   Each caste was in its turn sub-divided into a number of sub-castes, each following   one   distinct occupation.   The *Rig Veda* speaks of the hunters as *pāśins* or *nidhāpatis*.   For his occupation was by the *pāśa* or *nidha* which simply means a trap.   The weaver is called *vaya*.   The other terms that occur are the weaver of wool (*pushan*), tanner (*charmana*), wicker-worker (*akshuka*),   blacksmith   (*dhamatṛ*),   cow-herd (*paśupa*) or (*gopa*), ploughman (*kinasa*), etc.   These and more occur in the *Dharmaśāstras* and the *Arthaśāstra* with their respective functions in the body-politic.   In the *Arthaśāstra* of Kauṭalya mention is made of guilds of artisans, of weavers, of washermen, of coppersmiths, of blacksmiths, of medical practioners, of musicians and dancers, of sweepers, and scavengers.   Gautama refers to guilds of various artisans, besides the groups of potters, boatmen, cowherds, traders, and money-lenders.   Yājña-valkya mentions expressions *śreṇi*, *naigama*, and *pāṣandi*, as corporate bodies with their respective functions.[1]

Śukrāchārya speaks of these and also of the corporations of ascetics, thieves, foresters and soldiers.[2]   In Buddhist literature there is mention of co-operative producers organizing themselves in a guild, as well as corporations of butchers, leatherworkers, fishermen, sailors,

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[1]   श्रेणिनैगमपाषाण्डिगणानामप्ययं विधिः ।

    भेदञ्जेषां नृपो रक्षेत् पूर्ववृत्तिञ्ज पाल्येत् ॥ (ii. 195.)

[2] iv. 5, 18-22.

dyers, ivory-workers, metallurgists, etc., in the fifth and
the sixth centuries B.C.[1]

From these it could be easily inferred that people
in ancient India were grouped together in different
communities according to their habits and notions of
right and wrong, and became located in different centres
according to their professional, social, and domestic
convenience, in contrast with the present class division
in the West by colour, wealth, or power.   In India pro-
fession and caste system have been insuperably linked
together, and it was therefore natural to believe a man
belonging to a caste invariably following the profession
of that caste.   This went a long way to avoid party feel-
ings, conflict of labour and capital, cut-throat competi-
tion, and tended to promote peace and good-will among
the community at large.

Sec. iii. OTHER TYPES OF RURAL INSTITUTIONS

The Kula.—That *kula* is a technical term of political
significance is clearly indicated by Mr. Jayaswal in
his *Hindu Polity.*   *Kula saṁgha* in Hindu literature
means ' a constitution where *kula* or family rules ', that is,
an aristocratic or oligarchic state.[2]   Jayaswal again inter-
prets the *rājakulas* of the *Arthaśāstra* and the *Mahābhārata*
as aristocratic constitutions.   He would even include
the hereditary kings of *pātāla* under this description.
Though it must be admitted that there was a political
association inferior in power to the *gaṇa* form of corpo-
rate bodies, still Jayaswal's interpretation in bringing the
pātāla kings and *rājakulas* of the *Mahābhārata* and the
Arthaśāstra under this category, appears to be far-fetched.
Mitramiśra draws a clear line of distinction between a

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[1] Rhys Davids, *Buddhist India*, chap. vi.   [2] See Nārada, i. 7.

kula form of association and a *gaṇa* form.[1] Sukrāchārya distinguishes three kinds of organizations, *kula*, *śreṇi* and *gaṇa*.[2]

It has been generally admitted by all law-givers that every *kula* group in its political sense had a separate organization and separate regulations. Perhaps the *kulikas* or the elders of the *kulas*,[3] formed the judicial court to decide disputes arising among the constituents of a *kula*. Originally a *kula* seems to have meant a family meeting.[4] Then it became expanded gradually and in the time of the *Mitākṣara* it meant 'a meeting of cognates, relatives and kinsmen.' The *Kauṭalīya* however mentions it as a council of regency or of oligarchy.[5]

It is significant to note Jayaswal regarding the *kula* organization as the basis of franchise in aristocratic republics of ancient India, basing his authority on verse 30, chap. 107, of *Śāntiparvan* where equality of birth and family are recognized. It is also evident from the Pāli canon.[6]

The Śreṇi—Kauṭalya uses this expression in more than one sense : a guild of merchants, of artisans, or of military clans. But the term has been used largely to any guild organization. It may be guilds of any people either of workmen, labourers, merchants, or artisans or

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[1] *Vīramitrodaya*, pp. 11 and 40.
[2] iv. 5. 30.
[3] *Vīramitrodaya*, p. 11.
[4] Nārada, i. 7.

[5] कुलस्य वा भवेत् राज्यं कुलसंघो हि दुर्जयः ।

अराजव्यसनाबाधः शश्वदावसति क्षितिम् ।

(*Arthaśāstra*, Bk. i. 17.)

[6] Idha bhikkhave ekacco puggalo nīce kule paccājāto hoti. caṇḍlakule vā nesādakule vā veṇakule vā rathakārakule vā pukkusakule vā dalidde appannapānabhojane kasiravuttike yacha kasirena ghāsacchādo labhati. *Aṅguttara Nikāya*, iii. 13 (part i, p. 107).

of military groups.[1] But the term has a political signifi-
cance. In the *Mānava Dharma Śāstra*, Manu speaks of
the functions of a *śreṇi*.[2] Medhādithi, the celebrated com-
mentator, interprets it as an 'association of traders,
artisans, or money-lenders, or usurers, and of men profi-
cient in the four sciences of learning.'[3] The word again
appears in the *Nārada saṁhita* and has been taken to
mean guilds of merchants as well as artisans. From
Yājñavalkya it would appear that every trade, art and
craft, was well organized and was worked in common
on co-operative principles.[4] As many as eighteen
guilds are mentioned in the Jātaka records.[5] This
was only a conventional number for tradition speaks
of a large number of them. Pāṇini uses the term[6]
and this is explained by both Kaiyaṭa and the Tattva-
bodhini[7] as an association of adults following a common
trade or dealing in a common commodity.[8] It differs
from the corporation *pūga* where people of various castes
were members of a common organization and worked
at a common trade. The *Vyvahāramayūkha*[9] defines it
as several castes joined together for the purposes of
pursuing a common trade. It was not exclusively based
on caste but on profession. Thus the *śreṇi* rightly falls
under the category of occupational groups.

These corporations were found both in the towns and
villages. They seem to have had their own courts which

[1] *Arthaśāstra*, Bk. vii, 16 ; Bk. ix, Sec. 2 ; Bk. ii, Sec. 4.

[2] viii. 41 : एककायापिन्ना वणिक्काꣷकुसोदचातुविद्यादयः ॥

[3] i. 7 ; x. 2.   [4] Yājñavalkya, i. 361.

[5] *Mūga-pakkha Jātaka*, vol. vi, p. 14.   [6] ii. 1. 59.

[7] एकेन शिल्पेन येपꣷन वा ये जीवन्ति तेषां समूहः श्रेणिः ।

[8] Mookerji, *Local Government in Ancient India*, p. 33.

[9] नानाजातीयानाꣷेकजातीयं कर्मंकुर्वंतां समूहाः श्रेणयः ।

had power to decide causes concerning their organization in general. According to Nārada[1] the *śreṇi* courts occupy a middle place between the *kula* organizations and the *gaṇa* associations. The *Bṛhaspati Saṁhitā* mentions the same powers. They seem to have had no criminal jurisdiction.[2]

It is a patent fact that our *smṛtis* rule that local affairs ought to be settled by local courts formed by the people and not by the central court. To put it briefly, local administration, whether it was industrial or commercial, political or social, was administered by local courts wherein the principle of neighbourhood was the prevalent factor. It is interesting to find inscriptional evidence in favour of this principle.[3]

What the *smṛtis* have ruled, the *Arthaśāstras* of Kauṭalya, Kāmandaka and Sukra have recommended. According to Sukra,[4] such of those who are of good character, and who are appointed by special agreement (*nibandha*) are alone fit for hearing causes and deciding them on their merits. The passages indicate that there were separate forest-courts, merchant-courts, warrior-courts, and village-courts, constituted

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[1] i. 7.

[2] नृपेणाधिकृताः पूगाः श्रेणयोऽथकुलानि च ।

पूर्वं पूर्वं गुरुज्ञेयं व्यवहारविधौ नृणाम् ॥ (Yājñavalkya, ii. 30.)

Cp. *Br.*, i. 28 ; *Arthaśāstra*, iii. 20 ; *Kulāvaka Jātaka*, vol. i, No. 31.

[3] *Vaḷhudalampaṭṭu* inscription of Devarāya II. See *Madras Epigraphist Report*, 1915, pp. 106-8.

[4] अभियुक्ताश्च ये यत्र यन्निबन्धनियोजनाः ।

तत्तद्गुणदोषाणां त एव हि विचारकाः ॥

आरण्यास्तु स्वकैः कुर्युः सार्थिकाः सार्थिकैः सह ।

सैनिकाः सैनिकैरेव ग्रामेऽप्युभयवासिभिः ॥ (Sukra, iv. 5, 22-23.)

by the local citizens themselves. These local courts however seem to have extended their powers of jurisdiction later on while the earlier *smṛtis* like that of *Bṛhaspati* refer only to civil causes. Kauṭalya empowers the village headman to take congnizance of both civil and criminal cases. The later South Indian inscriptions (Chola inscriptions) contain passages which testify to the great extent of the criminal jurisdiction exercised by these local courts.

The *Mahābhārata* mentions the term in different senses. In the course of a colloquy between Karṇa and Duryodhana the latter shame-faced at his recent defeat, expresses to Karṇa his disinclination to return to the city in that plight. Among others to whom he would have to explain, he mentions the *śreṇi-mukhyas*.[1] In towns and cities these *śreṇis* formed an important political link in the chain of the state. The *śreṇi-mukhyas* exercised important powers of state. They took part in the coronation and consecration of kings. They gave countenance to the proposal of Bharata's coronation.[2]

Again in the *Yuddha kāṇḍa*[3] it was *śreṇi-mukhyas* with the ministers that go out to welcome Rāma back home after his period of exile. The Epics then represent the *śreṇis* as the representative assemblies of the state and hence political in character. They were an important force in the administration of the state and the king was obliged to respect their feelings and views; or rather these assemblies were a constitutional check on the

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[1] *Vana Parvan*, ccl. 16.

[2] प्रतीक्षते त्वां सजनः श्रेणयश्च नृपात्मज । (*Ayodhya kāṇḍa*, lxxix. 4.)

Here Govindarāja comments 'श्रेणयः नैगमाः'

[3] cxxvii. 4.

arbitrary character of kings. Thus with Govindarāja we can say that these corporations were functioning like the *naigama* or the *paura-jānapada* assemblies.

That the *śreṇis* were organizations for purposes of trade and commerce is evident from Buddhist literature. Dr. R. Fick who has made a special study of the *Jātakas* observes in his *Sociale Gliedarung im Nordöstlichen Indien zu Buddha's Zeit*[1] three facts, namely, the institution of *Jeṭṭhaka* (alderman), a common leader honoured at the royal court, localization of industries and hereditary occupations, and concludes rightly that such institutions presuppose some sort of organization and the inference is clear that such organizations must have existed in pre-Buddhistic days also.[2]

Some of the following references will clear this point. There was a village of 500 carpenters all doing woodwork.[3] There was again a village of smiths with 1,000 houses engaged in the manufacture of razors, axes, ploughshares, goads, needles and other iron work and superintended by a head smith.[4] Mention is also made of a town of carpenters containing 1,000 families.[5] There was overseas trade as well as internal trade by caravans. The hereditary professions were those of the smith, potter and stone-grinder. There were fixed streets for fixed professions. Dr. Fick mentions these as also other casteless professions such as contractors, dancers, musicians, huntsmen, fishermen, slaves, etc. Still the learned writer doubts an organized guild life and speaks of traders without organization.[6] There might have been traders without organization perhaps answering to our modern

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[1] Translated into English by Mr. Maitra of the Calcutta University.
[2] pp. 283-4.   [3] *Jātakas*, vol. ii, No. 156.
[4] *Ibid.*, vol. iii, No. 387.   [5] *Ibid.*, vol. iv, No. 466.
[6] *Social Organization in North-east India*, pp. 275-6.

retail dealers. But still that there were organized business firms, understood by the people as such can be stated beyond doubt.   Dr. Fick himself admits that the commercial communities were represented in the administration[1] and the *śreṣṭin* who was the acknowledged head of the Guild[2] was ranked as an aristocrat and entitled to royal audience.   How could there be a leader without an organized following, and how could the community be represented without any organization?   The answer to these questions affirms the fact further that there was real organized life among the commercial and industrial classes of those days who had also political functions to perform.

From Kauṭalya it can be gathered how the *śreṇis* had advanced themselves in power and extent.   Kauṭalya mentions guilds of artisans, of weavers, of washermen, of copper-smiths, blacksmiths, sweepers, scavengers, medical practitioners, musicians, dancers, besides other co-operative and corporate bodies in towns and villages.[3] Various regulations are also set forth which are quite in agreement with those of the law-giver Manu.   It is pretty evident that there were established bankers, if not regular banks, with which these guilds deposited their savings and drew on them whenever necessary. And the guilds of artisans generally entered into contracts when undertaking any work for time or piece wages.[4]

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[1] *Jātakas*, p. 259.   [2] *Ibid.*, p. 257.
[3] *Arthaśāstra*, Bk. ii, Sec. 1.
[4] गृहीतवेतनः कर्म त्यजन्द्विगुणमावहेत् ।
अगृहीते समं दाप्यो मृत्ये रक्ष्य उपस्करः ॥
दाप्यस्तु दशमं भागं वाणिज्यपशुसस्यतः ।
अनिश्विन्य भृतिं यस्तु कारयेत्स महोज्झिता ॥

Under the category of weavers' guilds,[1] we get a glimpse of the method of manufacture of cotton and woollen goods. Articles of good finish were a speciality and the economic laws of substitution and imitation were not unknown. As regards the washermen associations[2] it is mentioned that every cloth must be marked so as to avoid substitution, and must be retained from one to seven days according to the variety of colours. There was both rough and nice washing. Washermen tampering with these clothes, either by sale, mortgage or hire, were liable to punishment. It is evident that even these tiny organizations had a leader whose advice was often sought and taken. Such leaders were held in esteem and even honoured by the Government. A striking instance of this recognition of the voluntary service to the state is seen from the drama, *Mudrārākṣasa.* Here mention is made of a guild of lapidaries as well as other corporations in all the townships of the empire. Through the orders of king Chandragupta, Chandana-dāsa, the headman of the guild of lapidaries is appointed as the paramount head of all guilds throughout the

देशं कालं च योऽतोयाह्लाभं कुर्यांश्च योऽन्यथा ।
तत्स्यात्स्वामिनश्छन्दोऽधिकं देयं कृतेऽधिके ॥

यो यावत्कुरुते कर्म तावत्तस्य तु वेतनम् ।
उभयोरण्यसाध्यं चेत्साध्ये कुर्यांद्यथाश्रुतम् ॥

अराजदैविकं नष्टं भाण्डं दाप्यस्तु वाहकः ।
प्रस्थानविघ्नकृच्चैव प्रदाप्यो द्विगुणां भृतिम् ॥

प्रक्रान्ते सप्तमं भागं चतुर्थं पथिसंत्यजन् ।
भृतिमर्धपथे सर्वां प्रदाप्यस्त्याजकोऽपि च ॥ (Yājñavalkya, ii. 193-8.)

kingdom.[1]   But here the term for a guild is not *śreṇi* but *śreṣṭi* which more or less corresponds to the *Jātaka* term, *śreṣṭin*.

It has been already mentioned that Kauṭalya makes the *śreṇi* also a military organization.   That such organized military associations were in existence in the days prior to the *Kauṭalīya* can be illustrated from the *Kauṭalīya* itself.   Kauṭalya gives it as the opinion of the *ācāryas* that a *śreṇi* could not be easily subdued like the recalcitrant individuals.   In this respect Kauṭalya differs and says that the *śreṇi-dharma* is intimately bound up with that of the king, and hence the *śreṇis* could not stand long with the king.   Their risings could be overcome by the arrest of their chief leaders, or a section of the assembly.[2]   In Kauṭalya's opinion however the *śreṇi-bala* or the soldiers recruited from the *śreṇi*, were the best warriors and would prove equal to any situation.. The *śreṇi mukhya* was the leader of the *śreṇi-bala* and was paid a handsome salary equal to that of the head of an elephant-corps.

That the *śreṇi* organizations became more and more decentralized is evident from Sukrācārya.   Sukra speaks of three kinds of local courts like the previous writers on the subject.:[3] *kula*, *śreṇi* and *gaṇa*.   Each of them has independent powers to act and settle differences among themselves.   They enjoyed in addition powers of adjudication.   All civil wrongs were righted by them while criminal causes were decided perhaps by the headman of the village in his *panchayat* court.   Sukra definitely says that cases of theft by robbers do not fall within their purview.   Persons who were inimical to these local associations were deemed

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[1] Act vii.   [2] *Arthaśāstra*. Bk. viii. 4 and Bk. ix. 2.
[3] Sukra, iv. 5. 30.

internal enemies, and hence unfit to appear as witnesses. Sukra mentions with Kautalya a number of occupational associations each having its own organization. Cases involving foresters were to be dicided by corporations of foresters, soldiers by the corporation of soldiers. This has made B. K. Sarkar draw a parallel from modern English History where a peer was not subject to the ordinary common-law court; and his case has to be decided by a body of peers. Manu and Gautama agree in the main that the state generally respected these organized bodies and their usages. According to them again the decisions of these village assemblies were binding upon all, and violations of compacts or agreements entered into with caste-guilds or assemblies, were liable to punishment.

The Gana.—A *gana* is a larger form of the *kula*, or rather the corporation of several *kulas* is known as the *gana*.[1] The law books invariably mention this institution.[2]

Mention is made in the *Mānava Dharma Śāstra* of the corporate bodies of *jāti* (castes), country (*jānapada*), of merchant guilds (*śreni*), of family (*kula*), village (*grāma*) or township. There is further mention of the *deśa*

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[1] कुलानां हि समूहस्तु गणः संपरिकीर्तितः ॥ (Kātyāyana quoted in *Viramitrodaya*.)

[2] जातिजानपदान्धर्मान् श्रेणिधर्मांश्च धर्मवित् ।

समीक्ष्य कुलधर्मांश्च स्वधर्मं प्रतिपादयेत् ॥ (Manu, viii. 41.)

तद्देशकुलजातीनां अविरुद्धं प्रकल्पयेत् । (*Ibid.*, 46.)

योग्रामदेशसङ्घानां कृत्वा सत्येन संविदम् । (*Ibid.*, 219.)

ग्रामजातिसमूहेषु समयव्यभिचारिणाम् । (*Ibid.*, 221.)

saṃgha equivalent to *jānapada saṃgha*. The commentator Kullūkabhaṭṭa takes the word *saṃgha* to mean *samūha* or an association of merchants and others (वणिगादिसमूह:). More or less the same institutions are mentioned in the *Yājñavalkya Smṛti*.[1] In his commentary Vijñaneśvara explains *gaṇa* as the assembly of village people (ग्रामादिजनसमूह: ।)[2] and in the second as the body of men pursuing one and the same profession like that of soldiers (गणो व्रातः आयुधीयादीनां एककर्मोपजीविनां '.)

It is then evident that there were numerous bodies corporate, each functioning in its respective sphere. K. P. Jayaswal identifies *gaṇa* with a *saṃgha*, and is of opinion that it was the parliament or the assembly of the commons of the republican state. It is clear that this term has stood for different organizations. In the later Vedic period, for example the age of the Upaniṣads, there is a distinct reference to *gaṇāsa* in the *Bṛhadāraṇyaka Upaniṣad*.[3]

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[1] कुलानि जातो: श्रेणीश्च गणान्जानपदानऽपि ।

स्वधर्माञ्चलितान् राजा विनीय स्थापयेत्पथि ॥ (i. 361.)

श्रेणिनैगमपाखण्डिगणानामप्ययं विधि: ।

भेदं चैषां नृपो रक्षेत् पूर्ववृत्तिं च पालयेत् ॥ (ii. 192.)

[2] *Vide Arthaśāstra.*

देशजातिकुलसंघानां समयस्यानपाकमे । (Bk. iii, Sec. 10.)

This is explained in the *Śrī-mūlam Commentary* as follows :

देशीय जनसङ्घस्य, जातीयजनसंघस्य, कुलीयजनसंघस्य.

[3] "गणप्रायाहि विश: । प्रायेन संहताहि वित्तोपार्जितसमर्थी: नैकैकशा: " ।

Quoted by R. C. Majumdar with the commentary of Śrī Śankarā-chārya, *Corporate Life in Ancient India*, p. 12.

The term seems to have been exclusively confined to the Vaiśya community which was engaged in the acquisition of wealth. This acquisition of wealth was pursued in different ways by different sets of people. Thus the vast community was divided into compartments each plying one trade or the other. It further points out that in those days the principle of co-operation was well understood and realized, and that co-operation was not communistic but communal in character.[1]

It may be shown, however, that the *gaṇa* organization of the *Upaniṣads* was more economic than political in character and it may be remarked that its economic character played itself out in course of time as a political institution. In this latter aspect we see it mentioned in the *Dharmaśāstras* and the *Arthaśāstras*. The expression here is no more confined to a particular community, but refers unmistakably to associations of common people. Thus in the *Nītivākyamṛta* of Somadeva there occurs the phrase गणपुरश्चारिण: and the word *gaṇa* is commented on as the assembly of peoples (जनसमूह) and the leader of the *gaṇa* was known as *purachārin*,—the *purośu* of the Tamil literature.

Gaṇa seems at the best to refer to a tribe and its organization in early times, if judged in the light of the principle of kinship underlying the bond of the tribe. It generally represents the organized group of a tribe, or the sub-division of a tribe spread out over an area larger than that of a village. This tribal area enjoyed a republican form of constitution and administration. Bhīṣma speaks of these corporations with military powers both for defensive and offensive purposes.[2] Thus the *gaṇa*

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[1] See the whole of chap. x of Bk. iii of the *Arthaśāstra*.
[2] *Śānti Parvan*, cvii 1.

legitimately finds a place under kinship associations.[1]
The institution of *kula* may perhaps refer to a sub-division of a tribe occupying a small region but still enjoying
independence.   This is in keeping with what *Vīramitrodaya* says that a *kula* or a *kula* court was the deciding
judicial authority in self-governing organizations of the
gaṇa type.[2]   The ruling of Kātyāyana that the *kula*
was also the body of the unit is attested by Rhys Davids
who speaks of *aṣṭakulaka* which Jayaswal interprets as
' a judicial council of eight members ' as against the
original interpretation, ' representative of eight clans.'[3]
To us both seem to be right, for it must have been a
judicial council of eight members each representing one
kula.   For, according to Kātyāyana himself elsewhere,
a *gaṇa* is a group of several *kulas* and it is but natural
to suppose that in deciding the case of a *gaṇa* the representatives of the several *kulas* composing that *gaṇa* must
have been present.   Further it is interesting to note that
the principle of equality by birth and equality by family
was recognized by the *gaṇa* group. [4]

The later inscriptions speak of *Mālava gaṇa* which
means the corporation of the Mālava tribe.[5]

Other tribes or *gaṇas* mentioned in the inscriptions
and quoted by Majumdar are *arjunagaṇas* in the Allahabad Pillar inscription of Samudragupta, the *audumbaras*
from numismatic sources, as also the *kuṇindas* and the
vṛṣṇis.   The latter seems to have been a   powerful

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[1] See also *Vinayapiṭakam*, vol. v, *parivāra*, pp. 167, 177, etc. ; *Aṅguti. Nik.*, part. ii, *Cakkavagga*, p. 34.

[2] p. 11.   [3] *Buddhist India*, p. 22.

[4] जाया च सदृशाः सर्वे कुलेन सदृशास्तथा । (*Sānti, Parvan*, cvii. 30.)

[5] श्रीमालवगणाम्नाते ।

Mandasor Inscription of Kumāra Gupta, *Ind. Ant.*, 1913, p. 161.

tribe which continued to exist for a long time. The *Kauṭalīya*, the *Mahābhārata* and the *Harṣacarita*[1] refer to this tribe.

The *gaṇas* have further changed their role during the period of the later law-givers, Nārada, Bṛhaspati, and Kātyāyana. They were no more independent republics but were subordinate to the king. The various officers of these groups or institutions were appointed by the king as representing the state.[2]

Thus the king had the right of control and supervision. If these institutions broke away from the recognized path of *dharma* the king could punish and bring them back into order. Again Manu[3] ordains that a king should act in such a way as not to prejudice the laws of self-governing corporations which were carrying on work by a process of devolution in their relation with the central state. This subordinate position to the ruling chief held by these institutions is again manifest in *Bṛhaspati*.[4]

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[1] *Arthaśāstra*, Bk. i. Sec. 6 ; *Harṣa*, p. 224.

[2] कुलिकास्सार्थमुद्घ्याश्च पुरग्रामनिवासिनः ॥

ग्रामपौरगणश्रेण्यश्चातुर्विद्याश्च वर्गिणः ।
कुलानि कुलिकाश्चेव नियुक्ता नृपतिस्तथा ॥

(*Vīramitrodaya*, p. 11 ; cf. Yāj., i. 360.)

[3] Manu, viii. 41.

[4] कुलश्रेणिगणाध्यक्षाः प्रोक्तनिर्णयकारिणः ।
येषामग्रे निश्चितस्य प्रतिष्ठात्तुत्तरोत्तरा ॥

विचार्य श्रेणिभिः कार्यं कुलैर्यन्न विचारितम् ।
गणैश्च श्रेण्यविषयातं गणाज्ञातर्नियुक्तकैः ॥

Here is shown that the local courts in order of succession or in the ascending scale were *kula*, *śreṇi*, and *gaṇa*. An appeal lay from the *kula* court to the *śreṇi* and from the *śreṇi* to the *gaṇa*. Above these was the king who ruled according to the laws of *dharma*. *Samaya* was the technical term applied to the decision or resolution of these local bodies.

The Pūga.—The institution of *pūga* is another form of corporate organization. The term does not occur in Vedic texts.

It seems to have been a later institution. Dr. Majumdar takes the view that both the technical terms *pūga* and *gaṇa* seem to denote one and the same corporation.[1] But there is strong evidence to show that they were distinctly separate bodies, each existing at the same time and functioning in its respective sphere. This institution is also known to Pāṇini.[2]

It is an association of different communities and professions whose chief object is the amassing of wealth. The same interpretation is further supported by Mitramiśra.[3]

कुलादिभ्योऽधिकाः सम्यास्तेभ्योऽध्यक्षोऽधिकः कृतः ।

सर्वेषां अधिकोराजा धर्मयन्त्रेन निश्चितम् ॥

<div style="text-align:right">(Quoted in <i>Vīramitrodaya</i>, p. 40.)</div>

[1] *Corporate Life in Ancient India*, p. 142.

[2] नानाजातीयाः अनियतवृत्तयः अर्थकामप्रधानाः संघाः पूगाः ।

<div style="text-align:right">(v. 3. 112.)</div>

[3] पूगसमूह भिन्नजातीनां भिन्नवृत्तीनां एकस्थानवासिनां ग्रामनगरादि स्थानाम् ।

The Mitākṣara commentary on Yājñavalkya ii. 30 interprets the term in these very words and quotes Nārada :

'कुलानि श्रेणयश्चैव गणाश्चधिकृताः नृपः ।

प्रतिष्ठा व्यवहाराणां गुर्वेषामुत्तरोत्तरम्' ॥

From these it would appear that a *pūga* is a local assembly either of a village or town, composed of individuals of all castes and professions, who are of that village or town. It is a community of interests, not of blood or occupation, and so a mixed assembly. It is then a body of men unconnected otherwise than by common interests, the main interest being acquisition and enjoyment of wealth. This body attended to the material welfare of the community as a whole. The texts and commentaries bearing on the subject indicate that the interests of such organizations went far beyond material considerations alone.

This institution of *pūga* is well known to the Buddhist literature[1] wherein there are abundant references to it in the very sense in which it was understood by Kāśika or Mitramiśra. The *Kāśika* mentions a number of *pūgas* such as *lauhadhvajīya*—standard of red colour, *śaibya* identified with Sibioi subdued by Alexander,[2] *śatakīya* and *devadattaka*. Both *Vīramitrodaya* and *Vivāda-ratnākara* agree that the institution of *pūga* also meant an association of merchants and others. The former uses the term in two other senses also: (1) A group of people of different castes with no fixed calling and (2) those who ride on elephants, horses, etc. Dr. Mookerji remarks, ' The *pūga* is based on citizenship—the territorial principle. It was thus the federation of all sectional or communal assemblies.' This institution has for its basis the local community, its area covering something more than a village or a township.[3] It is further corroborated by the

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[1] *Vinaya Piṭakam, Cullavagga*, vol. ii, pp. 108–9 and 212 ; cf. Yājñavalkya, ii. 30 ; Manu, iii. 151.

[2] Mookerji, *Local Government in Ancient India*, p. 33.

[3] *Ibid.*, p. 314.

Vyavahāramayūkha which explains the *pūga* as a form of *śreṇi* but consisting of a body composed of various castes and of various professions.[1]

One thing is certain from the nature of the constitution as given by the various authorities, namely, the *pūga* was not a kinship or social organization. Neither was it an occupational group of one and the same caste, or one and the same profession. But it was an out and out territorial organization based absolutely on the local community.

From Yājñavalkya[2] we can form a correct estimate of the position held by this corporate body. It is a court superior to the *śreṇi* and the *kula.*

In the exercise of legislative and judicial powers this institution has been reckoned as the greatest among the various bodies. It must naturally have been an assembly comprising an area distinctly larger than a village. or a town. From this it would appear that the *pūga* association had important functions to perform. It had to look after the interests vested or otherwise of different crafts, trades, or occupations of that territorial unit ; and it acted as a court of justice sitting in judgment in cases of dispute among the members of the locality. This is quite in keeping with the regulations of the *Dharma Śāstras* where it is said that disputes arising among the various local corporations must be settled by themselves according to the established laws, traditions, and usages. This does not necessarily mean that the

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[1] तेषामेव (श्रेणीनां) भिन्नजातीयं कर्म कुर्वतां समूहः ।

[2] नृपेणाऽधिकृताः पूगाः श्रेणयोऽथकुलानिच ।

पूर्वं पूर्वं गुरुज्ञेयं व्यवहारविधौ नृणाम् ॥ (ii. 30.)

whole community sat in assembly to decide these various disputes. The elders of the locality and the neighbours as well were invited to decide them.[1]

The importance given to the elders of the village or neighbourhood is a piece of strong evidence to demonstrate the existence in larger numbers of neighbourhood associations. Neighbourhood groups, as realized in ancient India, were not party groups where different party interests predominated, but groups of different shapes and colours, of different experiences and ideas. If the essence of democracy consists according to Miss Follet[2] in an educated and responsible citizenship, evolving common ideas and willing its own social life, it was well realized in Hindu India as evidenced by numerous territorial groups like the *pūga*. There the citizenship was creative in the sense that while it fostered and developed the plant of common life, it discouraged any tendency to unhealthy party feelings.

Besides the *pūga* and other organizations Pāṇini speaks of other corporate bodies which must have existed in his time. One such is *vrāta*.[3] This is commented by the *kāśika* as the corporate association of different castes

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[1] Śukra, iv. 5. 24; Bṛhaspati, i. 25-27; Manu, viii. 62. 258-62; Yājñavalkya, ii. 150-52; Vasiṣṭa, xvi. 13; *Arthaśāstra*, Bk. iii, Sec. 9; The remarks of Mr. Havell are apposite, ' In a small village the Council Tree or Tree of Justice, would give sufficient shelter for the general meeting of the householders who formed the parliament of the Indo-Aryan village. They have the power of nominating all the Ministers—the Council of five—except the headman whose office was hereditary but who could be deposed by the *Rāja*, the head of the clan, in case of any grievous offence against the laws of the Aryan community. In larger villages and towns the meeting place of this general assembly would be in the parks or groves of sacred trees planted near the gates.' See also the *History of Aryan Rule in India*, p. 23.

[2] See *The New State* and especially the Appendix *on the Training for the New Democracy*.

[3] v. 3. 113.

with no settled profession.[1]   And this is corroborated by a passage of Kātyāyana.[2]

From this one may infer that there were organized bands of marauders and highway robbers who led a reckless life by using unlicensed arms and by assault. The *Vyavahāramayūkha* puts entirely a different construction on the term *vrāta*.   According to it, it was an institution of cognates, relatives and kinsmen.[3]   Some of the *vrāta* groups mentioned in ancient literature are *kāpotapākya, vraihimatya, kañjāyanya, brādhnāyanya.*[4]

The other institution that occurs in our ancient literature is the *āyudajīvisaṁgha*, a body of professional soldiers.[5]   It cannot be said with any definiteness that this denotes a non-monarchical state, or for the matter of that a military republic.   It may be that the *Yaudheyas* might have formed themselves an independent organization, wherein every member was obliged to live by arms.   The spirit of common will and solidarity of purpose actuated and guided every local association.   Every local body was a deliberative and administrative assembly and was therefore of the nature of a group and not of a crowd.   A crowd is a party, or in other words a party government leads on to a crowd organization.[6]   The party organizations in modern democracies are felt to be an evil but a necessary evil.   Organizations of the type of *pūga* avoided this and introduced a healthy spirit among the groups.

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[1] नानाजातीयाः अनियतवृत्तयः उत्सेधजीविनः संघाः व्राताः ।

[2] नानायुधधराव्राताः समवेतास्तु कीर्तिताः ।
   Quoted by Dr. Majumdar in his *Corporate Life in Ancient India*.

[3] ' ज्ञातिसंबन्धिबन्धूनां समूहः '.

[4] See *Local Government in Ancient India*, p. 33.

[5] Pāṇini, v. 3. 114.   [6] See *The New State*, pp. 86-7.

Sec. iv. VILLAGE ADMINISTRATION IN SOUTH INDIA

India has been largely a country of village communities, a system now practically extinct. Social and even economic reasons had to a great measure contributed to the growth of these tiny little republics, both in the southern and the northern parts of ancient India. Sir Charles Metcalfe quoted by Banerjee in his *Indian Economics* has the following remark : ' This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India, through all the evolutions and changes which they have suffered and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence.'[1] Sir George Birdwood again has remarked that ' the village communities have been the stronghold of the traditionary arts of India : and though these arts have passed out of the villages into the wide world beyond, the caste system of the code of Manu has still been their best defence against the taint and degradation of foreign passions.'[2]

In the light of the above remark we proceed to examine the administrative divisions of the ancient Tamil kingdoms in South India. The kingdom was divided[3] into the *maṇḍalam* (province), *koṭṭam* or *vaḷa-nāḍu* (district), *nāḍu* (taluk), and *ūr* (village or township). For example the *ūr* Ukkal was in Pāgūr *nāḍu*, of the Kaliyūr *koṭṭam* in the *Toṇḍamaṇḍalam*.[4]

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[1] P. Banerjee, *A Study of Indian Economics*, p. 44 (Macmillans, 1911).

[2] *Industrial Arts of India*, p. 137.

[3] In the Gupta period according to the Dāmodarpur copper plate inscription (*Ep. Ind.*, vol. xv, pp. 127 ff.) *chukti* was a province and *vishaya* a district.

[4] *S.I.I.*, vol. iii, part i.

The village was the unit of administration. Each village was managed by a number of committees. The most striking committees of a village were commonly the tank committee, the garden supervision committee, the committee for the supervision of justice, temple committee and the general committee of management. Others were a committee of elders for the supervision of wards (*kuḍumba*), of the fields of the village, the *udāsīnas* (ascetics). The other committees mentioned are a committee for gold supervision, perhaps a currency committee, and the committee of *pañchavāravāriyam* that may possibly be identified with the *pāñcha pradhanas* or *aimperumkuḷu*.[1]

Representatives of these committees were also members of the village assembly, or the *mahāsabhā*. Every village had an assembly of its own called a *sabhā* or a *mahāsabhā*. These village *sabhās* often call for notice in the South Indian inscriptions. These *sabhās* held their meetings generally in the temple halls (*sabhā-maṇḍapa*) and particularly under a large and shady banian tree in platforms usually constructed for similar purposes.[2]

Each *sabhā* had for its members the village elders, the *bhaṭṭas* (learned Brahmans), the *viśiṣṭas* (straight and law-abiding men) and prominent priests of the temple. Further, representatives of the merchant community (*nagaraṭṭār*), of the common folk (*ūrār*), and of the district (*nāṭṭār*) not infrequently sat in the *sabhā*.

Two Uttaramallūr inscriptions[3] enumerate how elections were made to constitute these committees

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[1] *Ancient India*, p. 169; *Ep. Report for 1899*, Secs. 68–73, dealing with the inscriptions of the time of Parāntaka Chola. See *History of Aryan Rule in India*, p. 231.

[2] *Aham* 251, *Puram* 390.

[3] Nos. 1 and 2 of 1890; *S. I. I.*, vol. ii, part iii.

as well as the assembly. The village was divided into hamlets and wards. The first was a geographical division and the second was a political division. For example the village of Uttaramallūr constituted twelve hamlets and thirty wards. The individual or committee in charge of each ward sent a list of the names of men in their respective wards who were eligible for election to the assembly. There were special tickets on which these names were written. These tickets were deposited in a pot. One was chosen by lot for each ward, in the presence of the members of the village assembly.

The minimum qualifications to seek election in these local assemblies were property qualification, or educational qualification, and sometimes both. He who owns one-fourth *veli* of tax-paying land, he who owns a house, he who owns one-eighth *veli* of land but qualified by learning one of the four *bhāṣyas*, one who is qualified to teach *mantra-brāhmaṇa*, and one who holds a share in the village and is versed at least in one of the *Dharma Śāstras* and studied one whole *Veda* is eligible for election.[1] These qualifications alone are not enough, for there were the further qualifications as to age and character. None below thirty-five and above seventy-five were eligible ; and those whose character and conduct was not beyond question in every manner could be members of the assembly.

The following relatives of a member adjudged guilty in office are disqualified from standing for elections :—

(1) The near relatives of the member such as, the sons of mother's sisters, the sons of paternal aunts' and maternal uncles, the brothers of mother, the brothers of father, brothers, father-in-law, brothers of wife, brother-in-law, nephews, sons-in-law, father and son.

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[1] *The Bhandarkar Commemoration Volume*, p. 227.

(2) Those who were guilty of the first four of the five great sins, *pañcha-mahā-pātakam*—murderer of a Brahman, one who is addicted to intoxicating liquors, one who is guilty of the theft of gold, and of adultery with the wife of the preceptor.

(3) Those who are associated with low people, who are fool-hardy, and who are guilty of theft or plunder.

(4) Those of loose morals.

(5) those who had taken forbidden dishes.

(6) those who have committed forgery, or ridden on asses.

Among the elected those who had previously served on the garden Supervision Committee, and those possessing more educational qualifications and also advanced in age, were appointed to the Committee of Annual Supervision which was perhaps the most important of all local committees. So far as Uttaramallūr was concerned twelve members constituted this committee. Among the rest, twelve were appointed for the garden Committee, and six for the tank Committe. There were also annual committees. Any member who is charged with offence of any kind is to be removed at once. The late Mr. Krishna Sāstri remarks that the co-operative and constructive principles on which an assembly had to conduct its deliberations were fully recognized, and no member was allowed persistently to oppose, on penalty of being fined, the proceedings of the assembly by saying ' Nay, Nay, ' to every proposal that was brought up. Refractoriness on the part of members, as distinguished 'from an honest difference of opinion, was much discouraged.[1] For the other two committees also the Gold Committee and the *pañchavāra vāriyam*, the same method of election was pursued. Twelve members were

chosen by lot and of them six constituted each committee. During the succeeding elections the wards which were represented in the previous years were left out and thus an equal opportunity was given to all.

In the election of village officials such as the accountant, both election and lot on the Athenian model were made use of. The appointments were usually for the year. Strict discipline was observed and professional misconduct on the part of the officials was severely dealt with. Inscription No. 583 of 1904 dated A.D. 1234-5 records the dismissal of a village accountant for the offence of cheating and the debarring of his relations from holding the appointment.

What were then the functions which this village assembly transacted? From the Ukkal and other inscriptions,[1] it is increasingly manifest that the institution of the *sabhā* had reached a high level of efficiency and a good working order about the tenth and eleventh centuries A.D. The *sabhā* had the following duties among others :—

It exercised supreme rights over the village lands : it was the arbitrator in disputes arising from purchase and sale of lands : it confiscated and sold lands of defaulters : it was responsible for the state-levy on the village : it raised public subscription in the cause of general interest.[2] It obtained loans to meet exigencies such as famine : it had a treasury of its own : it held supervising control over the various committees of the village and also temple accounts : it had the right to punish the internal enemies of the village (*grāma drohin*).[3] In a word it did everything to improve the moral and the material welfare of the village.

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[1] *S.I.I.*, vol. iii, part 1.   [2] *Ep. Report*, 1909, pp. 82-3.
[3] *Ibid.*, 1910-11, p. 72.

Before we close, mention must be made of the temple Committee, probably annually elected like the others and subject to the control of the village *sabhā*.   Inscription No. 66 of 1923, dated the sixteenth year of *Rājarāja* mentions the temple Committee of eight members called *manṟādivāriyam*, which supervised the temple revenues from land and other sources and also conducted festivals.[1]   The Tanjore temple inscriptions give a detailed working of the temple Committee in all aspects of temple activities which bear witness to tendencies for corporate life in ancient South India.   The temple was in those times a busy and important centre.   The princely endowments made by the kings of the Pallava, Chola, and the Pāṇḍya dynasties have made the temple a great centre of civic life.   The endowments (*devadāna*), were generally of lands, money, live-stock, besides oil, rice, vegetables, fruits, sandal, cakes, incense, etc.   The committee examined the accounts submitted by the temple accountants in respect of grains and other produce.   Special priests were appointed (invariably from the Brahman community) to perform sacred worship.   The chief priest was assisted in his service by Brahman bachelors (*brahmachārins*).   There were also servants to carry water, to supply garlands and flowers, and to cultivate them.   Provision was also made for four *yogins*, three *bhairavins*, four *yogīśvaras*, a music party of ten, twenty-four dancing girls, one astrologer, singers of the *tiruppaḍiyam* and the *tiruvoymoḷi*, the teacher of *vyākaraṇa*, a potter, a washerman, a carpenter and a superintendent.   Wealthy Brahmans served as temple treasurers, as is evident from an inscription of *Rājarāja* the Great.   Further there were alms-houses attached to the temples.   Probably the superintendent

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[1] *Ep. Report*, 1922-23, p. 104.

had to attend to the repairs in the temple buildings. The temple was a regular school in which, from the *Veda* down to technical literature, all subjects were taught. There is evidence of a hostel for students and a hospital attached to the school. Thus the temple became an active centre of both higher learning as well as popular learning. There is every reason to believe that the village temple of the ancient Tamil land was a centre of cultural life.

That the tendency to corporate organization extended in course of time is manifest from the Udayendiram plates of Nandivarman Pallavamalla[1] and from an inscription of Jaṭāvarman Sundarapāndya. It was in the direction of a union of more than two villages. But it was purely an internal arrangement enunciated by the respective village assemblies. The following endorsements dated the twenty-sixth year of Parāntaka, the Great, make this point clear; 'We members of the assembly of Kānchivāyil and we the members of the assembly of Udaychandira Mangalam have agreed as follows :—We the inhabitants of these two villages having joined and having become one, can prosper as one village from this date.'

Besides these corporate groups there were two other important assemblies which could be mentioned in passing. One was the *nāttar* or the District Assembly wherein was discussed subjects which touched the interests of the whole district or *nāḍu*. The other was the assembly of *nagarattār* or an association of merchant people.[2] This was probably the *śreṇi* or *naigama* organization of Sanskrit literature. Thus, the inscriptional testimony

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[1] *S.I.I.*, vol, ii, part iii, pp. 361ff. See for more details K. V. Subramania Aiyer, *Historical Sketches of Ancient Dekhan*.

[2] Probably this can be identified with the Nāṭṭukkoṭṭai Cheṭṭi community of to-day who are invariably bankers and merchants.

bears witness to the fact that some kind of organized rural administration had been in vogue in South India at least from the days of Nandivarman Pallavamalla, if not earlier as warranted by the Kaśakkuḍi plates of that monarch. After examining these varied aspects of rural admīnistration; Dr. S. K. Aiyangar remarks : ' This strict rotation of offices would give every one of the villagers the chance to acquainting himself with the work of administration of the affairs of his village and make the general community of supervison very efficient in its control of smaller committees.   This and the committees for the supervision of justice appear to have been constituted in a way to command respect.[1]

But how they were constituted and in what manner they differed from the others we are not informed. In this fashion was the machinery provided for carrying on the various functions which fell to the lot of a rural unit.'[2]

Sec. v. THE LAND AND THE VILLAGE COMMUNITY

In speaking of rural administration in ancient India we could not afford to neglect one important aspect of that administration, namely, the cultivation and improvement of land systems in general.   In the days of Kauṭalya there was a department of agriculture manned by efficient officials.   The superintendent of agriculture had some important duties to discharge.   But Kauṭalya's

[1] சீர்நிகழ் கழனிகரௌ செழுபெருவிழவு
வான்தேப் சீர்குடை வயவன் செல்வி

" ஏன்தேரிருந்தன வைவந்தற்றே
ஓசர் செல்லும் பூசல்புரவ
எல்வேலகளாநி பந்றைபுள்ளிப
விருந்த கன்பொடங்கொத் திருந்தர் வர்ந்தைவப்
பொறிப்புன குடம்பிற்றேந்திபென்
எறிவெடங்ளிர்ப கங்காட்வைப்பே.   (*Puram*, 266.)

[2] *Ancient India*, p. 173.

regulations refer mainly to crown lands, or lands under the direct control of the state.

There are two significant terms in the *Kauṭalīya*, *sīta* and *bhāga*.[1]

Sīta-adhyakṣa is the superintendent of agriculture or crown lands. The grains produced therein are sent to the king's treasury by the superintendent of crown lands. The very fact that the superintendent attends to the choice of seeds, the sowing and the gathering of the agricultural produce,[2] and also the fact that the lands are given to tenants for life, or for a period of time on contract[3] and are confiscated at any moment, bear testimony to the regulations of public lands only. A further evidendce that confirms our view is the expression 'स्वभूमी' in the chapter entitled the *sīta-adhyakṣa*. It means 'the king's land'. This meaning is evident from another expression in the same chapter 'स्वसेतुभ्य:' 'sources of irrigation established by the king for the use of which special water-taxes were paid by the enjoyers for their own private lands.'[4]

[1] The *Śrīmū lam Commentary* on these words is as follows :—

सीता कृषि: ; भाग: धान्यषड्भाग: । (vol. i, p. 136.)

Kauṭalya himself explains the term *Sīta* as

सीताध्यक्षोपनीत: सस्यवर्णक: सीता ।

(*Arthaśāstra*, Bk. ii, Sec. 15.)

[2] *Ibid.*, Bk. ii, Sec. 24.   [3] *Ibid.*, Bk. i, Sec. 1.

[4] On this the *Śrīmūlam Comment* is apposite.

उदककरस्थायं भूमिकरवत् द्रष्टव्य:, यतो राजा भूम्युदकयोरविशेषात् स्वामी । तदुक्त:

राजा भूमेर्पतिर्दृष्ट: शास्त्रेष्ट्दकस्य च ।

ताभ्यामन्यत्तु यद्द्रव्यं तत्स्वाम्यं कुटुम्बिनाम् । इति.

(*Arthaśāstra*, vol. i, pp. 286-7.)

Thus Kauṭalya had in mind both crown lands and communal lands when he used the terms *sīta* and *bhāga*. Foreign travellers could hardly be expected to understand the complexity of land tenures and hence their accounts cannot certainly be taken at their face value. Strabo and Diodorus speak of the king's ownership of all lands, the cultivators' claim being one-fourth of the produce as remuneration. Arrian does not state anything about the proprietorship of land, but records that a certain tribute was paid to the king for land by husbandmen. Neither of these writers makes the distinction between state lands as such and lands held by the community. The *Arthaśāstra* which ought to be credited with the full knowledge of the subject throws more light on the question. Briefly then for purposes of the land revenue Kauṭalya divides the whole country (*jānapada*) into four districts, and classifies the villages as the first, second and third order.

Generally the superintendent[1] was one who had specific and special qualifications to occupy that position. He was to supervise the choice of good seeds, ploughing, and sowing. These were done primarily by hired labour as well as convict labour. The village artisans consisting of blacksmiths, coppersmiths and similar other professionists were to supply the necessary accessories for

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The second line of the stanza is important as it shows the existence of private property or the propriety right enjoyed by the *kuṭumbins* or the heads of the joint-family. That the state was no owner of the land is attested again by Jaimini न भूमिस्यात्सर्वान्प्रति अविशिष्टत्वात् । (*Pūrva Mīmāmsā*, vi. 7. 7. 3.) See also Nilakaṇṭha's observations in the *Vyavahāramayūkha* संपूर्णपृथिवीमंडलस्य तत्तद्ग्रामक्षेत्रादौ खत्वं तु तत्तद्ग्रामिकानामेव राज्ञां तु करग्रहणमात्रम् ।

[1] *Arthaśāstra*, Bk. ii, Sec. 24.

which they were amply paid for. In the choice of different seeds and in the sowing of them particular attention was paid and everything was happily regulated.

Kauṭalya makes a scientific classification of the whole land into four broad divisions: sandy, swampy, wet, and dry lands answering roughly to the regional classification of Tamil literature.[1] Of these the first two were generally discarded as unfit for cultivation purposes. The other lands were usually taken up for cultivation of different grains, fruits, and roots. Some of the fields depended entirely on rainfall whilst others were provided with irrigational facilities. Kauṭalya's knowledge of geography as well as astronomy was accurate. He knew the system of meteorology by which the amount of rainfall was calculated in different parts of the empire. The scientific methods of ploughing and sowing were not unknown. The *Arthaśāstra* recommends the sowing of grains like rice, *tila*, *kodrava* and *priyanku* in the commencement of the rainy season (पूर्ववापाः); *mudga*, *māsha*, and *śaibya* in the middling of the season (मध्यवापाः); and *kusumba*, *masura*, *yava*, *goduma*, etc., towards the close of the rainy season (पश्चाद्वापः). In irrigation again the state evinced abiding interest. In the absence of facilities for digging canals or channels, aqueducts and water-lifts by bullocks were provided to feed the crops. These are still common in many parts of South India. But such irrigation facilities were given to all for nothing. A water-tax was collected which amounted to one-fifth of the produce. In Kauṭalya's time the interest in irrigation was so intense and the interest in agriculture so great that

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[1] *Supra*, p. 334.

the reclamation of the waste was advocated by the state.   Uncultivated lands were let on lease to tenants who would offer their services to cultivate them and for the use of which they were empowered to pay from one-fourth to one-fifth of the produce, the state affording irrigational conveniences.   If the lands were fed by irrigation canals, the state claimed only one-fifth of the produce; but if water-lifts were provided for, one-fourth of the produce was generally demanded.   At least the rate was fixed in such a way that the tenant or the labourer would have a decent and economic living.[1]   The village superintendents, physicians and *sthānīkas*, veterinary surgeons, horse-trainers, and messengers were endowed with lands, the produce of which went to them for life or during the period of active service.   These had no right to alienation.   Evidently these refer to crown lands.[2]

There are four methods of irrigation : by hand (हस्तप्रावर्तिमम्), by water taken on shoulders (स्कन्धप्रावर्तिमम्), by mechanical contrivances (स्रोतोयन्त्रप्रावर्तिमम्), and lastly from tanks and rivers (नदीसरस्तटाकक्पूोद्घाटम्). Bridges, watercourses, and embankments are mentioned by the one word *setu*.[3]   It was also the duty of the state to look after these sources of irrigation that they never ran into waste, but were always kept in order.   Even wind was used for driving power.   Windmills are not gone yet out of use.[4]   Megasthenes writes, ' the greater part of the soil is under

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[1] *Arthaśāstra*, Bk. ii, Sec. 24.

[2] अध्यक्ष सङ्ख्यायकादिम्यो गोपस्थानीकानीकस्थ चिकित्सकाश्वदमक-जङ्घारिकेरयश्च विक्रयाधानवर्जम् । (*Arthaśāstra*, Bk. ii, Sec. 1.)

[3] *Ibid*., Bk. ii, Sec. 24 ; cf. N. N. Law, *Studies in Ancient Indian Polity*, p. 13.

[4] *Ibid*., Bk. iii, Sec. 10 ; *Megasthenes*, Bk. i, Frag. 1.

irrigation and consequently bears two crops in the course of a year. . . .' ' Some superintend the rivers, measure the land as is done in Egypt, and inspect the sluices by which water is let out from the main canals into other branches so that every one may have an equal supply of it.'[1]

The crops are divided into three; wet, summer, and winter crops. Under the first category is included rice, under the second sugarcane, and under the third vegetables. The care with which the soil was selected for different crops affords an interesting study. But these do not come under the present survey.[2]

Agriculture was, as it is now, the prime industry of Hindu India and hence every writer has something to say on it. *Amarakosa* defines the word सीता as ' methods and means connected with the plough.'[3] Further the importance of agriculture is seen from a popular verse[4] which says that agricultural wealth alone is wealth. The same ideas are reflected in the soul-stirring line of the famous Tamil poet Kambanāṭṭār.[5]

There is no other wealth superior to that of agricultural wealth, for our very existence depends upon it. It is one of the laws of war in ancient India that even during the operations of war no damage or injury was to be inflicted even to the enemy's crops, and that the agricultural classes were not to be molested.

The *Dharmasūtras* also advance certain rules for agricultural improvements in general. Baudhāyana rules that

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[1] Frag. 34.

[2] *Arthaśāstra*, Bk. ii, Sec. 24 ; *vide* Kāmandaka, iv. 51–56.

[3] लाङ्गलपद्धति: ।

[4] सीतायत्तं प्रजानां हि वित्तं वित्तद्विजोत्तमा: ।

[5] 'ௐௗஜீஙத ௬௲ௐஶௗம௬ ௬௲ஶ௬ஆௐ ௬௲ௗஶ.'

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the study of the *Vedas* and the industry of agriculture are not inconsistent.[1]   On the other hand they are interdependent and one could take to both.   This indicates the importance of the agricultural industry.   In the opinion of Āpastamba any lessee who takes the land on certain conditions and is not able to realize the maximum produce through sheer carelessness and want of proper exertion on his part, would be held responsible for the satisfaction of his agreement.   He further rules that any labourer engaged in cultivation abandons the work incomplete is liable to be flogged.   Such a high penalty imposed would merely show with what care and exertion an agricultural labourer was expected to work.

In addition to the literary evidence the inscriptions furnish us with the various kinds of land tenure in vogue in ancient India.   (1) The *brahmadeya* lands were chiefly grants conferred on learned Brahmans (the *śrotriyas* of the village for their remarkable learning and character).   Such grants of lands were indeed a common feature of practically every sovereign who reigned in ancient India.   His grantees are those who cultivate themselves or get them cultivated by others, or even assign them to others.[2]   These lands were free from taxes and forced labour.   (2) There were *paribhoga* villages which had cultivated lands, wells, houses, slaves, etc.   These were perpetual settlements.   (3) There were besides *bhaṭṭa* villages which had private quadrupeds, fields, houses and slaves.[3]   There were again *sarvamānya* and *ekabhoga* grants.[4]   Some of them were *paribhoga*, *aṣṭa-bhoga*, *angabhoga*, and *ranga bhoga*.[5]

A village was generally divided into shares, and these were made by different standards of measure.[6]   Different

[1] i. 5. 10. 30.   [2] *Ep., Ind.* xx. 3. 46.   [3] *Ibid.*, x. 3. 44.
[4] *Ibid.*, vii. 8,   [5] *Ibid.*, vi. 10.   [6] *Ibid.* viii. 33.

kinds of these were in vogue during the eleventh and twelfth centuries. One such was known as the *bhakti*.[1] There is evidence to indicate a wide and elaborate survey and measurement of land though different for the different parts of the country. The earlier Gupta inscriptions mention lands being surveyed, measured, and divided into various holdings known as *pratyayas*.[2] The measurements were *pādāvarta*[3] equal to a square foot.[4] These holdings had different measurements. Each of them was definitely marked by boundary limits.[5] These boundaries were fixed by special officials who were called *sīmakarmakāras* or *sīmapradāta*.[6] The surveyor was *pramātha*, and the judicial officers and adjudicators who decided such cases of dispute were *nyāya-karmikas*. There were proper records maintained in the villages by the accountant.[7] Next in rank was the headman. These records showed the size of different holdings with the respective proprietors besides every detail of the settlement. The official who collected the royal share of the produce in grain was named *dhruvādikaraṇika* or *dhruva*.[8]

Among the officials referred to in South Indian inscriptions two of them are important for our present purpose[9]— the official in charge of tax-free villages *puravuvari* and the official in charge of the tax-register *varippottagam*. In this connection a reference may also be made to an inscription of Vīrarājendradeva.[10] This records the

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[1] *Ep. Ind.*, viii. 20.   [2] No. 38 of Fleet, dated A.D. 571.

[3] *Ep. Ind.*, x. 3. 46.   [4] No. 38 of Fleet, p. 170, footnote 4.

[5] Cf. Yājñavalkya, ii. 153; No. 24 of Fleet; *S. I. I.*, vol. ii, part v, p. 98.

[6] No. 46 of Fleet, dated A.D. 571; *Ep. Ind.*, vol. xii, p. 75.

[7] *Talavčṭaka*, No. 46, Fleet, p. 217, footnote 8.

[8] No. 38 of Fleet, pp. 169–170.

[9] See K. V. Subramania Aiyer, *Historical Sketches of Dekhan*, pp. 372–3.

[10] Epigraphist Report, 1916, pp. 118 and 119.

grant of the revenue of a village and incidentally fur-
nishes information regarding revenue officers and their
duties. Here are mentioned one official for the *puravuvari*
and one for the *varippottagam*. Other officials mentioned
are six officers of the *uḍaṇkūṭṭam*, the thirty-three officers
of *viḍaiyil* (despatch office), the *mugaveṭṭi*, the *variyilīḍu*,
the *paḷanṣĀyam*, etc. From other inscriptions we under-
stand there were no fixed number of officials in charge of
the *puravari*. Among the fourteen inscriptions of *Ukkal*[1]
one mentions it as the order of Rājarāja the Great,
empowering the village assembly to confiscate and sell
off the lands for which no revenue was paid for two
full years. This indirectly serves to diminish the
number of defaulters, for default meant sometimes the loss
of ownership of the land.

Reclamation of waste and uncultivated lands by
means of digging tanks, and thus introducing cultivation
is definitely mentioned in a South Indian inscrip-
tion.[2] There were periodical settlements.[3] Here the
reshuffling of new boundaries, of holdings, of expropri-
ations of previous owners and the recording of new
proprietors were done and recorded in the document
called *vyavasta* or *araiyaolai*. The Tanjore inscriptions
which are interesting in more than one respect speak of
the smallest unit of the land of Rājarājadeva's time.
1/5242880000 of a *veli* was measured and assessed to
revenue. Students of economics may say that there
were uneven and uneconomic holdings in ancient times.
But this is to judge the tenth century fact by the
twentieth century standard.

Cattle.—Closely allied with this subject of agri-
culture is the protection and improvement of cattle.

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[1] *S. I. I.*, vol. iii, part 1.   [2] *Ibid.*, vol. i, p. 65.
[3] *Ibid.*, vol. ii, part 5, p. 98.

Pasture lands are necessary for cows, horses and other animals. The improvement of livestock is still an unsatisfactory problem even in modern times. There was a special department which looked after the grazing grounds and meadows for the proper supply of fodder, etc., to the livestock. A register of cattle was maintained fixing the scale and standard of diet as determined by the working capacity of each animal.[1]

To-day we hear of mechanical contrivances for ploughing, sowing, and reaping the crops without much strain on the part of human or even animal labour. But conditions were quite different in those days of which we are speaking. In England until recently horses were used in the driving of ploughs. But in India from the very earliest times only bulls have been yoked to the plough. Generally we notice in our rural parts the plough drawn by two bulls only. But during the period when *Atri* composed his *Dharma Sāstra* we find that as many as eight bulls were employed in drawing the plough. According to this law-giver[2] ploughing with two animals is a heinous sin and the man who does it is the veritable killer of the animal. But two bulls could draw a plough for a reasonable time over a *prakara*. If four are yoked the plough could be taken to midday and if six upto the third part of the day and if eight for the whole day. The more the work the more animals are to be employed, for excessive work would break the back of the animals. Though according to *Atri* ploughing by eight bulls is the righteous method ploughing by two bulls is common. The reason is not far to seek. There is a perceptible deterioration of cattle

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[1] *Arthaśāstra*, Bk, ii, Sec. 29 ; *Imperial Gazetteer*, vol. iii, pp. 77-8 ; *Studies in Polity*, pp. 17 and 22.
[2] *Atri Samhita*, 218-9.

wealth in point of both physical and numerical strength. The supply lacking, demand has to be adjusted. The Law-Books contain regulations as to cattle grazing and improvements of agriculture.[1] Various rules are given in the *Kauṭalīya* as regards cattle protection, dairying, trespass, preventing cruelty to animals, etc.[2]

In examining these allied topics under the heading, 'Cattle and Pasture', Law mentions six officers : [3] superintendent of cows, of pastures, of game-keepers, elephants, of horses, of forests.[4]

Sec. vi. MUNCIPAL ADMINISTRATION

The administration of towns and cities was conducted on such efficient lines as that of the villages.

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[1] Manu. ix. 10 ; Viṣṇu, v. 14. 1–5.

[2] *Arthaśāstra*, Bk. ii, Sec. 29.

[3] See *Studies in Ancient Indian Polity*, p. 18.

[4] There was a special officer who looked after the forests. Here abounded wild tribes and uncivilized hunters. The superintendent would employ some of them to exploit these forests. With the help of their hounds it was their practice to hunt, shoot, and kill wicked animals which were a source of danger to the neighbouring crops and villages. Besides wild tribes, thieves and other enemies of the state would be found concealed among the thick of the bushes, lying in wait for an opportunity to fall on the people and deprive them of their wealth and property. The hunters in the employ of the state were expected to reconnoitre these wild regions, and report every day through the pigeons if they came across any particulars that must needs be communicated (*Arthaśāstra*, Bk. ii, Sec. 34.)

Kauṭalya divides forests into three classes : forests for Brahmans, game-forests, and reserve forests. Each has to be specially provided for by the state. In the first class of the forests, the Brahmans lived and performed penance and sacrifices. It was provided with a good and never-failing lake. No wild animals found their habitations there. They were often visited by kings and used by them for hunting purposes. It was *ager publicus* of ancient India. On the extreme limits of the state were elephant forests. Here elephants were caught and trained. There were what were known as reserve forests where no one was allowed freedom of entry. There was a special officer who collected the various rich forest-produce. Even manufactories were open there to carry on a large scale the various cottage industries of rope-making, basket-making, medicines, tanning of skins, metallurgy, etc. (*Arthaśāstra*, Bk. ii, Sec. 17).

It is interesting to read from the *Kauṭalīya* that the municipal administration was carried on on systematic lines. The choice of the capital and its site were indeed important. Topographical and geographical factors were taken into consideration for fixing the site. According to Sukra it must be a place to which communication with the sea was an important factor. The houses were well built and it would appear that cities were garden-cities in ancient India. The gardens were situated on one side of the houses. There is testimony again in the *Arthaśāstra* to the knowledge of the science of horticulture.[1] Through the towns and around them ran roads well-paved and strong in all quarters. Royal roads were interspersed throughout, with innumerable foot-paths.[2] Kauṭalya recommends the planting of medicinal herbs and fruit trees along these roads.[3] Besides grand trunk roads led to the north as far as the Himalayas and to the west and to the south.[4]

Kauṭalya mentions six principal roads in a city—roads for chariots, for small vehicles, for cattle, for other animals, for trade routes, for pastures, and in country parts for leading to military stations, and for cremation grounds. Several small roads and foot-paths are also mentioned. Damaging of these ways or blocking them in any manner would be dealt with promptly and the punishment was fines which varied according to the importance relatively of the roads.[5] That the repairing of such damaged places was prompt and attended to immediately is obvious from the edicts of Aśoka. Along these various routes were formed, at some distances apart,

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[1] Sukra, i. 212. 15 ; iv. 4. 52–56.
[2] *Ibid.*, i. 259–63 ; Yājñavalkya, i. 134.
[3] *Aśoka*, Rock Ins., No. 2.   [4] *Arthaśāstra* Bk. vii, Sec. 12.
[5] *Ibid.*, Bk. iii, Sec. 10.

rest-houses and market places interspersed by parks.[1] In these rest-houses were given water and food, provisions for strangers travelling along that road.[2] It has also been shown that mile-stones were a distinguishing feature though Otto Stein doubts their use as gathered from the *Kauṭalīya*.[3] Again at the crossing of roads were instituted lamps which were lighted every evening and which indicated a safe path for travellers.[4] Another interesting regulation was to afford protection to passengers from being troubled by thieves and robbers assuring them of the safety of their lives and property in every direction to the distance of one *yojana*.[5] This report old as it is belonging to the older age of the *Dharmasūtras* shows beyond doubt the utmost care taken by the state represented by the townsmen or the village community for the safety of life and property of the individual citizen.

The public health department of the Municipal administration is not without interest also. The *Dharmasūtras* and the *Dharma Śāstras* agree in the main as to the various regulations for maintaining public health in towns. Āpastamba has rules relating to health and hygiene.[6] Gautama rules that the use and sale of bad milk and bad flesh must be punished severely.[7] The committing of nuisance in public roads and in sacred spots such as rivers, temples, shady places, before fire, women and Brahmana was punished.[8] One should not spoil the waters by saliva, blood, or other kind

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[1] Śukra, i. 257-9 and Kāmandaka. xiv. 28-41 ; *Jātaka*, vol. i, p. 199 ; *Harsacharita*, p. 176.
[2] Edicts of Asoka II.   [3] *Megasthenes und Kautilya*, pp. 18 ff.
[4] See N. N. Law, *Theories in Ancient Indian Polity*, p. 93.
[5] Āpastamba, ii. 10. 26.   [6] i. 11. 30 ; 15. 20 ; i. 2. 31.
[7] Ch. xvii.   [8] Yājñavalkya, i. 134-36.

of impurities.[1] The conception of pure and good water as the first essential for all good health has been realized from remote times.[2] There were hospitals for both man and beast. Medical aid was given on an adequate and large scale. Various measures were taken to prevent the spreading of diseases throughout the land. Adulterated articles of food as also adulterated medicines if administered were severely dealt with.[3] State hospitals for adults and children are mentioned in the *Mānava Dharma Śāstra*.[4] Other preventive measures by observance of special religious rites were not uncommon. Mention is made of four classes of medical experts, including midwives and nurses, army-surgeons, as well as a number of medicinal drugs and herbs and surgical instruments. That ancient Indian medical science was not advanced[5] in the line of surgery is completely falsified from the numerous references made in the *Arthaśāstra*. Megasthanes mentions to us with what care and attention medical help was afforded even to foreigners when they fell ill. It is said that Alexander consulted Indian physicians when he was in India. There is in addition the evidence of the Buddhist *Jātakas*[6] which mention distinctly that special lectures were delivered in medicine and surgery in the educational institutions of Benares and Taxila. Kautalya recommends punishment to physicians who treated patients with carelessness. Epidemics were at once reported to the state authorities who, it is not impossible to guess, took measures to prevent contagion.[7] Regulations as to dress and beddings demonstrate in a

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[1] Yājñavalkya, i. 138 ; Śukra, ii. 37–47 ; Vasiṣṭa, ii. 13.
[2] *Ibid.,* i. 192.　　　　[3] *Arthaśāstra,* Bk. iv, Sec. i.
[4] Manu, viii. 395.　　　　[5] *Arthaśāstra,* Bk. x, Sec. iii.
[6] *Jātakas*, vol. iii, pp. 32 and 221 ; iv, p. 253 ; *Mahāvagga,* ch. vi, p. 216.
[7] *Arthaśāstra,* Bk. iv, Sec. i.

large measure the utmost care bestowed upon health. These show that side by side with their ideas of philosophy and care of souls the ancient Hindus bestowed great attention also to their physical health.[1]

It has been shown how Municipal administration interested itself in maintaining the safety of life and security of property of its citizens. This could be done only if the people paid in return for such services, taxes or tolls with which alone such things are possible. A number of taxes are mentioned. The tolls and road cess are important.[2] There were fines as the result of justice meted out in punishing the wicked and the criminals. There was also income from trade and commerce by land and water.

The superintendent of tolls shall cause to erect near the large gate of the city both the toll-house and its flag on the north or south. There was the seal mark on the merchandise.[3] There were exemptions of tolls in cases of articles intended for marriage, for presentation, for sacrifices, for temples, for gift of cows, and for other ceremonials.[4] Tolls from harbours where ships arrive (*khatra*) and license to liquor traffic[5] also swelled the revenues.

We can now turn our attention to the staff which manned the ship of the Municipal administration. Śukra speaks of six principal officers—the headman or the president, the magistrate or the judge, the collector of land revenue and other products, the officer in charge of tolls and duties, and the sentinel,[6] and lastly the

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[1] It is said शरीरं आद्यं खलु धर्मसाधनं । (Cf. Law, *Studies*, pp. 91-3.)

[2] *Śukra*, iv. 2. 129.   [3] *Arthaśāstra*, Bk. ii, Secs. 21 and 22.

[4] *Ibid*:   [5] *Ibid.*, Bk. ii, Sec. 25.   [6] *Śukra*, ii. 121-3.

clerk. Tax-collectors should be like gardeners who pluck only fruits and flowers of the plants thus leaving the productive capacity altogether unimpaired.[1] The mayor of the town must behave towards the citizens like parents towards their sons. His duty was to keep peace and order while the judge punished the wicked and the evil-minded. The qualifications which were expected of a clerk are indeed high. Besides skilled proficiency in maintaining accounts he must be conversant with the several languages of different countries so as to carry on unintermittent correspondence with every state. The duty of the sentinel was to furnish information. He must be of strong physique, regular and active in habits, obedient and faithful and also well versed in the science of weapons.[2]

Kauṭalya speaks of a *nāgaraka* or the superintendent of the city which was protected on all four sides at the entrance by *sthānikas* or sentinels—armed men who reported to the authorities concerned the movements of enemies or other undesirables. The duties of the *nāgaraka* were onerous. He examined every day the water-reservoirs, roads, secret passages, fortresses, and other defensive works. He kept in his custody things stolen or lost, to be returned to the owners on their claim. He could set free a child, the old, the diseased and others by taking compensation. Other prisoners were liberated on the king's birthday or full moon days. The jail regulations are also given in sufficient detail.[3]

There was a census clerk who noted from time to time the number of houses with their respective inhabitants, their caste, professions and their earning capacities.[*]

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[1] Śukra, ii. 172ff.   [2] *Ibid.*, ii. 170 ff.

[3] *Arthaśāstra*, Bk. ii, Sec. 36.

The census was then a permanent institution being a state department of the *Samāharta*. This institution of the census,[1] an element of civilized life, was also a feature in villages. Emigration and immigration of persons[2] are also mentioned. In the city there were officials in the grade of the village-*gopas*, who supervised ten to forty households. Every official was also a census officer. For administrative purposes every city or town was divided into four divisions with *sthānikas* in respective divisions. There were managers of charitable institutions (*dharmāvasati*) who took charge of mendicants and travellers. Among police regulations are prevention of fires and the curfew regulation prohibiting movements in the city.

Alien guests must either go to their caste people or live in rest houses. There were watchmen who either openly or in disguise wandered all the streets and other public places such as hotels, shops of wine-vendors, flesh-dealers, gambling dens, and arrested the criminal, and even suspects who were punished if found guilty. There were regulations for building and also for kindling fire. Thatched roofs were avoided as far as possible. Preventive measures were taken to quench fire when it breaks out in any corner of the city or of the village. Those citizens who did not co-operate in such public matters were fined and also punished in other ways.[3] There are again rules of practical wisdom;—insurance against famine, flood and fire.[4] In case of famine the king would supply freely food from his treasury or from sympathetic neighbouring rulers or from the munificence of his rich subjects. Failing these he set on foot emigration. In

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[1] *Arthaśāstra*, Bk. ii, Sec. 35.   [2] *Ibid.*, Bk. x, Sec. 2.
[3] *Ibid.*, Bk. ii. Sec. 36 and Bk. xiv, Sec. 2.
[4] Law, *Studies in Ancient Indian Polity*, p. 98.

time of floods people must remove themselves from the banks of rivers. [1]

The responsibilities of the watchmen were great. They had alone power to punish the evilly bent. If by any reason men of good conduct were arrested by them or if they misbehaved towards slave girls they were punished. If they misbehaved or seduced family women (*kulastri*) the punishment was nothing short of death. These were regulations to maintain the public morals of the city. The citizens of the town or foreigners, when going out of the city or into it, should furnish passes. Failing this, they were punished. [2] Thus the Municipal administration of ancient India anticipates tendencies which would satisfy even an expert commissioner of a modern city corporation.

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[1] *Arthaśāstra*, Bk. viii, Sec. 4.   [2] *Ibid.*, Bk. ii, Sec. 36.

CHAPTER VIII

CONCLUSION

In the foregoing pages of this little volume an endeavour has been made to give a brief survey of a polity, almost modern in character, having an uninterrupted course of existence for some thousands of years. History records many a polity in different countries of the ancient world. Egypt, Greece, Rome, Babylon, China and other countries have had their own day and contributed not a little to the sum total of the world's culture and progress. Though every nation evolved its own polity, no polity had the inherent vitality that Hindu polity possessed, and this feature enabled the latter to continue to live unhampered by ravages of time.

In our short study of a great subject,—complex in its very nature through lack of materials to reconstruct it on a secure basis,—we have tried to trace the political and constitutional evolution of Hindu India from earliest times known to history. There is numismatic evidence, according to Sir Alexander Cunningham, of a dated history to about 1000 B.C. Literary evidence pushes this date further by several millenniums. The recent discoveries of the Archæological Department at Harappa and Mohenjodaro, are sure to revolutionize the history of our chronology. In such uncertain field we shall not venture until we feel confident we are on firm ground. From the available pieces of evidence a long lease of life, longer than that of any polity in the world including Babylon, may be given to Hindu polity. From the simple tribal

system of the Vedic times when the king was the adminis-
trator of justice and leader in war, we have an unbroken
tradition which is one and the same, apart from the
variations due perhaps to changing conditions and alter-
ed circumstances of the land. The king was regarded as
much a citizen as any other. Obedience was shown to him
because he directed and regulated the affairs of all other
citizens so that the latter might live in peace and security.
This concept of the Vedic texts was promulgated by
the theory of *Yogakshema* in the epic, Purāṇic and
Arthaśāstra literature of much later times. Thus the
polity that was allowed to develop, and develop
perhaps on rationalistic lines was civil in character.
The end of the state, namely, the moral and material
welfare of the citizens at large, could not be realized in
a polity which made militarism as the essential feature.
No doubt wars were fought and territories were con-
quered. The object was to bring the whole country
under one man's sceptre. The laws of war are only a code
of honour very skilfully incorporated into the body of
the civil law, so that militarism may not show itself in
all its nakedness.

From the head of a family the primitive Hindu
became the chief of a tribe and soon the leader of a small
state. This began to grow in extent and with that the
office of the monarchy and the dignity of the institution.
In the epoch of the *Brāhmaṇas* we find *mahārājas*, or
great kings, *adhirājas* and *sārvabhaumas*, titles superior
to that of *mahārāja*. The *sārvabhauma* is the over-
lord of the whole land known to them at that time.
Thus in the period of the *Brāhmaṇas*, the idea of an
empire had come to stay. Nanda Vardhana establishes
an empire in Magadha about the fifth century before
the Christian era. What we now understand by the

centralized form of administration, takes root, to shoot forth into a tree with fruits and flowers. But the principle of centralization was foreign to the Hindu tradition, and consequently it had a short lease of life. Under the Mauryas to a small extent and possibly under the Guptas, the principle of decentralization gained currency with the result the emperors of these epochs recognized rightly the existence of small states, dependent or independent, free or unfree. Thus force of circumstances continued to bring transformation in the forms of the constitution.

The tendency was for small states to assert their independence and hence their individuality grew and grew after the empire of Harṣa with the consequence that the whole country was parcelled out in different tiny states, each by itself weak to resist the powerful invader. This lack of unity among themselves gave a sure opening to the invading chieftain, and the result was the decay of Hindu culture. It decayed but did not die. The Rajputs, the Maharattas, the Sikhs attempted to revive the age-long institutions but with no success. But success is yet to be. We conclude with Jayaswal : ‘ The constitutional progress made by the Hindu has probably not been equalled, much less surpassed by any polity of antiquity. The great privilege of the Hindu at the same time is that he is not yet a fossil: he is still living with a determination which a great historian (Duncker) has characterized as a tenacity which bends but does not break. The Golden Age of his polity lies not in the Past but in the Future.’ [1]

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[1] *Hindu Polity*, part ii, p. 209.

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ERRATA

Page	For	Read
42	Pa van	Parvan
52	Śanyāsin	Sannyāsin
114	Purū	Puru
115	A. V. V (*n*)	A. V.
116	Alindisches	Altindisches
157	I. H. E.	I. H. Q.
178	Vūtabhāta (*n*)	Vātabhūta
289	Aūta	Dūta
296	Vol. I (N. 2)	April, 1926.
370	Ekabhog	Ekabhoga

INDEX

A

.